

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 OCTOBER 2005

05/0364/OL: PROPOSED FIVE LOW IMPACT LOWLAND CROFTING UNITS WITHIN 20.1 HECTARES, PROVISION OF SERVICING, AND ASSOCIATED WOODLAND AND HABITAT IMPROVEMENT AT AUCHENCLOIGH FARM, AUCHENCLOIGH, GALSTON

APPLICATION BY MR. DAVID BONE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the development of five low impact housing units (lowland crofting) within the application site with the development area of each unit ranging from between 1 and 1.09 hectares. The indicative layout plan shows the development of three units on the north-east side of the Bogend access road with two of the units located on the south-west side.

1.2 As part of the development of the low impact housing units, the proposal provides for the management and enhancement of the woodland areas associated with the application site. As part of the supporting information, the applicant has provided a Tree Planting Plan and it is anticipated that as part of the proposed development, this would lead to the production of a woodland management plan for the application site. Within the application site itself the woodland areas are to be increased to approximately 42% of land holding.

1.3 The proposal also provides for the provision of a recreational area with public access paths, the provision of a small car parking area and a small pond. The proposal is being sought as a farm restructuring / diversification project and seeks to improve public access to the site and provide habitat enhancement for flora and fauna.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Section 8.4 of this report.

3. SUMMARY OF ANALYSIS

3.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As indicated in Section 6 above, there are material considerations relevant to this application, but in this regard, these can either be addressed through obligations in a Section 75 Agreement or by means of planning conditions, or are not of sufficient weight to set aside the provisions of the development plan.

3.2 The proposed development represents an opportunity for farm diversification to revitalise the rural economy within the identified rural diversification area and promote enhancement and management of areas of woodland for the benefit of nature and habitat conservation.

3.3 It is recognised that careful controls will require to be exercised in relation to ensuring that the development meets with the principles of low density housing (lowland crofting) as indicated within the EALP, but this can be secured through a Section 75 Agreement with the applicant. This is particularly important in relation to securing business uses associated with the proposed dwellings appropriate to this rural location.

3.4 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental and community benefits to be derived from the proposals. Consequently it is considered that the application should be approved. Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 has been concluded with the applicant in respect of the following matters:

- (i) The linking of the residential element of the development with an integrated business or workplace function appropriate to the rural location of the development, such that crofting units shall only be occupied by individuals employed full time in the associated and integrated business activity. Appropriate rural businesses shall be the subject of discussion and agreement between the applicant and the Planning Authority.
- (ii) The production of a Woodland Management Plan for the site that shall include the following:
 - A habitat survey of the woodland areas to ensure that appropriate assessment of the impact of management on flora and fauna is undertaken.
 - Details of the programme of works including timing and timescale of the plan.

- (iii) The submission of a Design Brief in respect of the proposed dwellings and any ancillary buildings associated with the business uses to be undertaken on each plot.
- (iv) A programme of work relative to the scale, nature, and implementation of the proposed recreational elements of the proposed development and phasing of the provision of these elements in relation to the development of the five crofting units.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee for determination as such a decision would be a significant departure from Council 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.

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APPLICATION BY MR. DAVID BONE

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 outline planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposed development is the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies off the east side of the B 7037 Sorn – Galston Road and lies on the north-west side of the minor access road leading to Auchencloigh Farm some 120 metres north of the hamlet of Auchencloigh and approximately 6 kilometres north of the village of Sorn. The site extends to approximately 20.1 hectares and currently forms part of the lands associated with Auchencloigh Farm. The farm unit at Auchencloigh currently extends to 56.24 hectares primarily used for the grazing of cattle and sheep.

2.2 The topography of the site is such that it rises gently in a south-west to north-east direction and the application site is surrounded on three sides by existing shelterbelts, consisting mainly of sitka spruce and broad leaf tree species. The area is also characterised by hedgerow planting. The site is also traversed by a minor access road leading to Bogend Farm.

2.3 **Proposed Development:** Outline planning permission is sought for the development of five low impact housing units (lowland crofting) within the application site with the development area of each unit ranging from between 1 and 1.09 hectares. The indicative layout plan shows the development of three units on the north-east side of the Bogend access road with two of the units located on the south-west side.

2.4 As part of the development of the low impact housing units, the proposal provides for the management and enhancement of the woodland areas associated with the application site. As part of the supporting information, the applicant has provided a Tree Planting Plan and it is

anticipated that as part of the proposed development, this would lead to the production of a woodland management plan for the application site. Within the application site itself the woodland areas are to be increased to approximately 42% of land holding.

2.5 The proposal also provides for the provision of a recreational area with public access paths, the provision of a small car parking area and a small pond. The proposal is being sought as a farm restructuring / diversification project and seeks to improve public access to the site and provide habitat enhancement for flora and fauna.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division states that it has no objections to the proposed development subject to the following conditions:

1. The site will require to be served by an access road which complies 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, drainage, traffic calming etc. and must be in place prior to commencing works on site. The extended public road will end at a turning circle and a bin storage area will be constructed at this point.
2. The private access road serving a maximum of five dwellings will require to be constructed to a specification agreed with East Ayrshire Council Roads and Transportation Division. This consent will cover details such as road widths, provision of turning areas, drainage and form of construction. The private access road will not be adopted by East Ayrshire Council.
3. No surface water must be allowed to discharge onto existing or proposed public roads.
4. Parking requirement must be to Roads Development Guide 1996, including visitor parking.
5. The proposed car park will not be adopted by East Ayrshire Council.
6. Any gates will require to open inwards, away from the public road.
7. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Council Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent.

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

3.2 Sorn Community Council has indicated that it is not opposed to the proposed development.

Noted.

3.3 East Ayrshire Outdoor Amenities Section has no objections to the proposed development.

Noted.

3.4 The Scottish Environment Protection Agency states that the proposed use of individual septic tank and blind soakaway arrangements will satisfy its requirements for the treatment of foul drainage from the development provided both have been designed and constructed to comply with the current code of practice. This will require percolation testing on site to assess the suitability of the sub-soil for effluent disposal. If the ground conditions prove unsuited to this method of effluent disposal, then SEPA would consider a consent application for discharge to a fully biologically treated sewage effluent to the nearby burn. The connection of surface water from the development to a retention pond or wetland which has been designed and constructed in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland will satisfy SEPA requirements for the treatment of surface water drainage arising from the site.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.5 Power Systems and Scottish Water have not responded to the consultation letters.

Noted.

3.6 The West of Scotland Archaeology Service has indicated that there is evidence of a limestone quarry and associated limekiln within the application site. WOSAS is recommending that should consent be granted for the proposed development, the areas of these interests should be excluded from development for archaeological reasons. WOSAS states that there are no other recorded archaeological sites within the area of the application but this does not mean that they do not exist. In this regard WOSAS is recommending a suitably worded condition requiring submission of an archaeological mitigation strategy before the submission of any detailed application(s) for the development. The mitigation strategy will be expected to include proposals for the evaluation by trial trenching of areas to be affected by development, including tree planting, followed by proposals for preservation in situ and/or excavation of anything significant that may be found.

A condition can be attached to any consent granted for the proposed development to meet the requirements of WOSAS.

4. REPRESENTATIONS

4.1 Two letters of objection have been received with respect to the proposed development from three signatories. The main points of objection are summarised as follows:

4.2 There is a distinct lack of detailed information on what is involved in this development and therefore what impact it will have on us, the neighbourhood and the local environment.

The application is in outline only but is supported by a comprehensive supporting statement and additional plan information.

4.3 In principle we have no objection to the forest walk. Although it will bring additional traffic into the area, this is unlikely to be large in volume. Provided therefore that there is adequate control and adequate facilities made available, such as car parking, litter control and that the area is properly maintained, then we see no problem.

Noted.

4.4 In principle we have no objection to a limited number of 5 additional properties, provided that adequate services are made available.

There are no significant infrastructure issues resulting from the proposed development.

4.5 There is no information available on the types of business uses accompanying the proposed houses. We would not wish to see dog kennels or catteries, battery hens or indeed large quantities of hens, chickens, riding stables, intensive green-housing, any business involving large outbuildings or noise producing activities, or businesses involving large vehicles for deliveries and collections.

The application at this stage is in outline only but in accordance Policy RES18 of the adopted East Ayrshire Local Plan, intrusive developments of a business or commercial nature which are detrimental to the amenity, character and appearance of the rural area will not be permitted. Further details will be required regarding the proposed business elements of the development at the Reserved Matters stage should consent be granted for the proposed development.

4.6 We are concerned that these five dwellings open the door to further additions of a similar nature and in particular that these properties could be allowed on land adjacent to our property at the side or rear, or directly opposite our frontage.

Any further development of the nature suggested by the objector would require to be determined on its merits and as such this is not material to the determination of the present application.

4.7 The density of the residential development exceeds that, pro rata, laid out in East Ayrshire Local Plan policy RES18(i).

The proposed development does comply with Policy RES18(i) as indicated in section 5.3(i) below.

4.8 The plans as outlined remove access to land not subject to the proposal but bounded by it. For access to be restored, a new access point requires to be created adjacent to the residential units within Auchencloigh itself (the plans clearly indicate a strip of land connecting the road to this area). This means that the proposals have the affect of increasing disturbance near to the residential area, whilst reducing it in non-residential ones.

The strip of land referred to by the objector does not lie within the current application site. At this time, as the application is in outline only the proposed road and access improvements associated with the development are indicative only.

4.9 The plans propose that four of the five units are built in an area that represents an extension of development into the countryside from existing settlement boundaries. All of the residential units within Auchencloigh follow the track of the existing adopted and un-adopted road. The extension beyond these existing boundaries is unnecessary, as an equivalent result could be achieved whilst retaining the character of the settlement, by placing new dwellings along the track of the existing road. By doing so the settlement would be integrated rather than extended and the landscape quality maintained.

In terms of the East Ayrshire Local Plan, the hamlet of Auchencloigh does not have a defined settlement boundary. The hamlet has already been extended by recent development that has taken place consistent with the policies of the EALP. Further development would only be acceptable in policy terms where it relates to low impact housing as part of farm diversification to encourage regeneration of the remoter peripheral rural areas. The proposed development is about farm diversification, not about the extension of the hamlet of Auchencloigh, albeit the physical relationship between the two areas is recognised.

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).

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;

In principle, the low density “lowland crofting” element of the application is acceptable subject to it meeting with the criteria set out in policy RES 18 of the East Ayrshire Local Plan. It would be appropriate by means of a legal agreement to ensure that any dwellings approved on the basis of lowland crofting were occupied only by individuals employed full time in the business activity integrated into each respective dwelling.

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

The proposal for increased public access as part of the application constitutes recreational development. There is a lack of this type of facility in the Sorn area and therefore a locational need for this type of development.

C can be justified in terms of social and economic benefit to the community;

It is considered that the proposed development can be justified in terms of social and economic benefit to the community.

D contributes to rural land diversification: or

Lowland crofting development does contribute to rural land diversification.

E provides for the operational needs of agriculture and forestry.

This is not applicable to the proposed development.

East Ayrshire Local Plan

5.3 Policy RES18 is supportive of proposals for very low density housing developments (also known as ‘Lowland Crofting’) within the Rural Diversification Area, subject to a series of six stated criteria being met, as follows:

(i) the proposal comprising an integrated farm restructuring for a whole farm unit or for other areas, not less than 20ha in extent. The density of any

residential development permitted shall not exceed 10 houses per 50ha of site area and the minimum plot size shall be 1.0ha;

The proposal complies with the above standards.

(ii) a minimum of 30% of the gross area involved being devoted to woodland and wildlife habitat uses with full access afforded to the general public.

With approximately 50% of the application site dedicated to woodland and habitat uses, the proposal meets with this criterion

(iii) each residential unit incorporating an integrated workplace or business function appropriate to and compatible with its rural location. Intrusive developments of a business or commercial nature, detrimental to the amenity, character and appearance of the rural area will not be permitted;

It is stated in the supporting information that each residential unit will have an integrated business element. No details have been supplied at this outline application stage but a condition will require to be attached to any consent issued to ensure that such business elements will be compatible with the locality in which they are located.

(iv) all elements of the proposed development requiring to be sympathetic to its rural location in terms of size, scale, design, siting, material finish, landscaping and screening;

Indicative siting of the residential units is shown in the supporting information submitted with the application and they appear to be generally acceptable. However, these elements will be the subject of a reserved matters application.

(v) the residential units and their associated workplace or business elements being, wherever possible, grouped together in discreet areas to facilitate servicing and to reduce their environmental impact; and

The indicative layout shows the residential units located close together thereby meeting the above criterion.

(vi) the development requiring to be subject to a formal Section 75 Agreement with the Council, guaranteeing and controlling:

(a) the implementation, management and maintenance of all woodland planting, landscaping, nature conservation and public access arrangements in respect of the development; and

(b) the use and maintenance of all land associated with the development and, in particular, the business or workplace elements forming an integral part of the development proposal.

The general requirements of the Section 75 Agreement can be set out at this stage and the applicant has indicated a willingness to enter into such an agreement. The Section 75 Agreement will require to be further refined when the reserved matters application is being assessed, as there is insufficient information to detail all matters at this outline stage.

5.4 Under Policy ENV 15 (i) the Council will strongly encourage the protection and positive management of remaining areas of semi-natural woodland.

Part of the application site comprises an area of Ancient Woodland. The Council's Neighbourhood Services Section has no objections to the proposed development.

The principle of lowland crofting is therefore acceptable at this location in terms of the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations

6.2 There are no consultation responses that would suggest that the application be refused.

Representations

6.3 While noting the concerns regarding lack of detailed information on the proposed development, it is considered that the representations made are either not valid in respect of the outline consent or can be addressed by appropriate conditions in any consent granted for the development.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the concluding of a Section 75 Agreement in respect of the matters detailed in Section 8.4 below.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As indicated in Section 6 above, there are material considerations relevant to this application, but in this regard, these can either be addressed through obligations in a Section 75 Agreement or by means of planning conditions, or are not of sufficient weight to set aside the provisions of the development plan.

8.2 The proposed development represents an opportunity for farm diversification to revitalise the rural economy within the identified rural diversification area and promote enhancement and management of areas of woodland for the benefit of nature and habitat conservation.

8.3 It is recognised that careful controls will require to be exercised in relation to ensuring that the development meets with the principles of low density housing (lowland crofting) as indicated within the EALP, but this can be secured through a Section 75 Agreement with the applicant. This is particularly important in relation to securing business uses associated with the proposed dwellings appropriate to this rural location.

8.4 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental and community benefits to be derived from the proposals. Consequently it is considered that the application should be approved. Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 has been concluded with the applicant in respect of the following matters:

- (i) The linking of the residential element of the development with an integrated business or workplace function appropriate to the rural location of the development, such that crofting units shall only be occupied by individuals employed full time in the associated and integrated business activity. Appropriate rural businesses shall be the subject of discussion and agreement between the applicant and the Planning Authority.
- (ii) The production of a Woodland Management Plan for the site that shall include the following:
 - A habitat survey of the woodland areas to ensure that appropriate assessment of the impact of management on flora and fauna is undertaken.
 - Details of the programme of works including timing and timescale of the plan.

- (iii) The submission of a Design Brief in respect of the proposed dwellings and any ancillary buildings associated with the business uses to be undertaken on each plot.
- (iv) A programme of work relative to the scale, nature, and implementation of the proposed recreational elements of the proposed development and phasing of the provision of these elements in relation to the development of the five crofting units.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Section 8.4 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards in terms of the principle of the proposed development, the application will require to be referred to the Development Services Committee for determination as such a decision would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

28 September 2005
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Letters of representation.
5. Approved Ayrshire Joint Structure Plan (1999).
6. Adopted East Ayrshire Local Plan (2003).

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

Implementation Officer: Dave Morris

- 3.. The private access road serving a maximum of five dwellings will require to be constructed to a specification agreed with East Ayrshire Council Roads and Transportation Division.

REASON – In the interests of public road safety.

4. Parking requirement shall be to Roads Development Guide 1996, including visitor parking.

REASON – In the interests of public road safety and residential amenity

5. Any gates shall require to open inwards, away from the public road.

REASON – In the interests of public road safety.

6. Bin uplift storage areas shall be provided adjacent to the proposed vehicle turning area.

REASON – In the interests of residential amenity.

7. No surface water from the individual driveways shall be allowed to discharge onto the proposed public road.

REASON – In the interests of public road safety.

8. The details to be submitted further to condition 1 above shall allow for the proposed crofting dwellings being designed with either a clearly defined integrated business floorspace or with details of ancillary buildings to accommodate a business function.

REASON – To meet the terms of Policy RES18 of the East Ayrshire Local Plan that requires an integrated residential and business function in crofting units.

9. Prior to the submission of any application for Reserved matters in respect of this development, the applicant shall submit an archaeological mitigation strategy to the Planning Authority for approval in respect of the proposed development site.

REASON – In order that appropriate measures are undertaken to identify and protect any archaeological resources within the application site that may be affected by the proposed development, including tree planting.

➤ **NOTES TO APPLICANT**

1. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division, Council Offices, Lugar, Cumnock. The site will require to be served by an access road which complies 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, street lighting, drainage, traffic calming etc. and must be in place prior to commencing works on site. The extended public road will end at a turning circle and a bin storage area will be constructed at this point. A road bond must be submitted by the developer prior to commencing house building work on site.

2. The applicant should make early contact with both Scottish Water and The Scottish Environment Protection Agency to discuss and agree the proposed surface water and foul drainage arrangements for the development site. Drainage details and in particular the use of

SUDS will require the approval of East Ayrshire Council Roads and Transportation Division, Scottish Water and SEPA as part of the Construction Consent.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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