

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 25 SEPTEMBER 2001

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 7 SEPTEMBER 2001 RELATING TO PLANNING APPLICATION NO 01/0412/OL: PROPOSED RESIDENTIAL DEVELOPMENT SITE AT LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 7 September 2001 regarding the above planning application.

2. BACKGROUND

- 2.1** The Southern Local Planning Committee on 7 September 2001 considered a report dated 29 August 2001 (attached as an Appendix) by the Head of Planning and Building Control and agreed as there is a demand for private housing in this area which would be met by development of this site and which, if not met, would be to the detriment of the community of Cumnock, to refer the application to the Development Services Committee for determination, with a recommendation for approval.
- 2.2** Although three objections were submitted in respect of this application, the objectors were not present or represented at the meeting of the Southern Local Planning Committee on 7 September 2001. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS

- 3.1** Should the Committee be minded to approve the application, this would be a Significant Departure from the Development Plan which would require to be referred to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

4. POLICY IMPLICATIONS

- 4.1** The Committee are referred to the report dated 29 August 2001 by the Head of Planning and Building Control, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1** It is recommended that this Committee consider the planning application with reference to the Head of Planning and Building Control's report dated 29 August 2001 and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1, above.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

10 September 2001

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

**01/0412/OL : PROPOSED RESIDENTIAL DEVELOPMENT SITE AT
LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK**

APPLICATION BY STANLEY STORES LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an outline planning application for a residential development within the site. No details of design and layout have been provided at this stage. The plans do however state that it is proposed to access the site through the existing development at Penders Wynd.

Although no details of the number of houses proposed have been submitted, if the site was to be developed it would have a 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

3.1 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. As is indicated at paragraph Section 5 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 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 as the development is contrary to the policy provisions of the EALP.

3.2 The most recent figures regarding the supply of and demand for housing in East Ayrshire conclude that there is no shortfall in effective housing land in the relevant market area, and therefore there is no need for an additional release of housing land. Although the Local Plan's Housing Development Strategy directs medium size developments along the A76/A735 corridor, it also encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned. As the local plan identifies sufficient effective housing sites within

Cumnock to meet demand, there is no requirement to release greenfield sites for development.

3.3 In terms of the letter of objections, concerns regarding the state of the existing roads in Phases 1,2 and 3 of Skerrington Farm can be met by attaching appropriate conditions to any planning consent. Concerns regarding the utilisation of the existing access to Glaisnock Road have not been echoed by the Roads Division. Concerns regarding the play areas and the location of the site offices within the existing development are not material considerations in the determination of this application.

3.4 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

Alan Neish
Head of Planning & Building Control

NOTE: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

01/0412/OL : PROPOSED RESIDENTIAL DEVELOPMENT SITE AT
LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK

APPLICATION BY STANLEY STORES LTD.

Report by Head of Planning and Building Control

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

2.1 **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 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 the Skerrington Farm residential development site.

2.2 **Proposed Development**: This is an outline planning application for a residential development within the site. No details of design and layout have been provided at this stage. The plans do however state that it is proposed to access the site through the existing development at Penders Wynd.

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

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division indicates that the construction of the roads within Phase 1, 2 and 3 of this development has been very slow and the roads have been left in an unsafe condition for a considerable time. Numerous complaints have been received from occupiers of dwellings in this development. In the interests of public safety the proposed development should not be allowed to commence until the existing development roads and footways are brought up to an adoptable standard. Furthermore, requests have been made by occupiers of the existing development to have a link

footpath to the Primary School. The proposed development, if approved would increase the demand for this link footpath. The Roads Division therefore has no objections to the proposed development subject to the following conditions:-

- (i) The roads, footways and lighting within Phase 1, 2 and 3 of this development site shall be completed to a standard suitable for adoption by the Roads Authority prior to any work being undertaken within the proposed site, in the interests of public safety;
- (ii) A new footpath linking James Young Avenue or Netherthird Primary School with Bunten's Close should be provided to establish a safer route to Netherthird Primary School. This shall be provided prior to the occupancy of any dwellings within the proposed site;
- (iii) All internal roads shall comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Division;
- (iv) Junction visibility splay areas of 4.5 metres by 35 metres shall be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas.

Other conditions are recommended regarding the surfacing of driveways, parking requirements, surface water, the siting of garages and driveway manoeuvrability.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads Division. With respect to the provision of a footpath, outwith the application site, this would require to be secured through a Section 75 Agreement under the Town and Country Planning (Scotland) Act of 1997. Other matters could be addressed under the requisite Construction Consent application that the developer will require to secure from the Roads Division.

3.2 The Scottish Executive Development Department – Road Network and Management Division has no objections to the proposed development subject to the following conditions:

- (i) There shall be no means of direct access to the trunk road either pedestrian or vehicular;
- (ii) There shall be no drainage connections to the trunk road drainage system;
- (iii) An unclimbable barrier of a type approved by the Planning Authority, after consultation with the Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.;
- (iv) Details of all lighting within the site shall be submitted for the approval of the Planning Authority after consultation with the Roads Authority.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Scottish Executive Road Network Management Division.

3.3 West of Scotland Water Authority indicates that there is a public sewerage system to which a connection may be made and their permission should be sought to connect to the public sewerage system. This development will involve the provision of sewers that may become vested in West of Scotland Water. The layout and specification of these sewers shall be agreed by them. The development of the type and size proposed could be serviced from an existing public water main located in the street adjacent to the site.

A note advising the applicant to make early contact with the West of Scotland Water Authority could be attached to any planning permission granted for the development.

WOSWA also indicates that Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Should the application be granted, a note in respect of the implementation of a sustainable urban drainage system could be included on the planning permission.

3.4 The Scottish Environment Protection Agency has indicated that whilst they have no objections in principle to the proposed development they have concerns regarding the surface water drainage from the site. SEPA would wish to ensure that an appropriate Sustainable Urban Drainage System is selected (and installed) so as to infiltrate drainage on site, in an attempt to attenuate and treat this drainage prior to discharge to either the nearby watercourse or existing surface water sewer.

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 Scottish Power and The Coal Authority have no adverse comments to make regarding the proposed development.

Noted.

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

A condition could 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.

3.8 East Ayrshire Council's Education Department has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 Two letters of objection have been received with regard to the proposed development. These are summarised as follows:

4.2 This development should not be allowed to go ahead due to a number of factors affecting the existing community and the accessibility factors involved in the current development. They have lived within the Skerrington Farm development for two years, and in that time the roads have been a disgrace. The roads and pavements have been very poorly maintained and indeed most of the pavements are uneven with open manholes in the middle of them. If the proposed development does take place, they would like a new access road put in place for all the heavy traffic and machinery but most of all they would like to see the inhabited areas of the estate maintained at a better level than present before a further development is allowed to take place.

The Roads Division has confirmed that the development of Phases 1, 2 & 3 has been very slow and the roads have been left in an unsafe condition for a considerable time. In this respect, the Division has recommended a suspensive condition be attached to any planning consent requiring the roads, footways and lighting within these existing phases to be brought up to an adoptable standard prior to the commencement of development.

It is not considered appropriate to require the applicant to form an alternative access. The only alternative means of access would be from the A76 Trunk Road and this is not acceptable to the Scottish Executive Road Network Management Division.

4.3 There is a need for a separate access road, as the current access road is currently congested with not only residents vehicles but, also vehicles relating to on-going building works. If the proposed access is from the existing site, they would like to know if the existing road is of a standard to serve this increased number of houses. There should be some traffic calming or a 20 mile an hour limit imposed within the development.

The Roads Division has no objection to the utilisation of the existing access onto Glaisnock Road. As part of the construction consent of the existing development, traffic calming measures are

required. If approved, similar measures could be imposed under the requisite construction consent for this development.

4.4 If planning permission was to be granted, it would be hoped that before works start onsite, the existing development will be completed and all roads and footpaths adopted to the Councils Road's Department.

See response to paragraph 4.2.

4.5 There is no indication of the proposed play area being started, never mind finished and the site is untidy and an eyesore with building materials and rubbish strewn across the entire site. The site offices and compound used for storing building materials should be moved as it is currently at the opposite end of the site from all the building works, causing muck and dust to be spread.

The above issues with regard to the existing development are not material considerations in the determination of this application. A condition could, however, be attached to any planning consent requiring all temporary on site offices etc. to be located within the site.

4.6 In general, if the application is approved, they would ask that more stringent conditions be attached to the consent to allow more control of the site. Within the current development there are no time constraints on completion of the roads and footpaths etc.

In considering any detailed application, conditions could be attached to any planning consent requiring all roads and footways adjacent to each dwellinghouse to be completed prior to their occupation. Under the Roads (Scotland) Act 1984, Section 21(4), a developer has a minimum of 3 years to bring the roads up to an adoptable standard.

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), (AJSP), and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

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

Within the Adopted Cumnock and Auchinleck Local Plan, part of the site is located within the settlement boundary of Cumnock.

Only the westernmost part of the site (approximately one third of the development site) is located within the settlement boundary of Cumnock, as defined by the Adopted Cumnock and Auchinleck Local Plan. The development of this part of the site would be consistent with the above policy. Notwithstanding this, the application has to be considered as a whole, and a large part of the site lies outwith the settlement boundary. The proposed development is therefore generally contrary to the Policy ADS3 of the AJSP.

5.3 Policy ADS5 of the AJSP states that the three Ayrshire Councils shall adhere to the guiding principle of protecting the countryside for its own sake.

The proposed development would be contrary to the provisions of the above policy as the majority of the site lies within an area identified as countryside within the Adopted Cumnock and Auchinleck Plan.

5.4 Policy L2 of the AJSP states that in assessing the supply and demand for housing the three Ayrshire Councils shall:

- (a) treat each of East, North and South Ayrshire Council areas as Housing Market Areas; and
- (b) be guided by forecasts of demand in the Structure Plan, or its reviews.

Noted.

5.5 Policy L3 of the AJSP indicates that in addition to the effective housing land supply at March 1998, local plans shall allocate sufficient land to meet housing shortfalls. (A shortfall of 210 houses in the East Ayrshire Housing Market Area in the period 1998-2005 is identified. The plan offers guidance that this shortfall should be accommodated within the Kilmarnock and Loudoun Housing sub-market area).

There are 3 Sub-Market Areas within the East Ayrshire Housing Market Area, namely Cumnock and Surrounding Area; Kilmarnock and Loudoun; and Ayr, North Carrick and Doon. The site lies within the Cumnock and Surrounding Area Sub-Market Area.

Although Policy L3 indicates that there is a shortfall of 210 units in the Housing Market Area, there has since been a review of housing supply and demand in Ayrshire for the period 2000-2007. This review was approved by the Ayrshire Joint Structure Plan and Transportation Committee at their meeting of 08 September 2000. The review was premised upon the 1998 based Scottish Executive Household Projections' published in August 2000, and the Ayrshire Audit of Land Supply produced for 31 March 2000, which included sites shown in the Finalised East Ayrshire Local Plan. The review indicated that East Ayrshire had a surplus of housing land (of 22 units) to meet requirements in the period

2000-2007 and made no recommendation that a further land release was required in any of the three East Ayrshire Housing Sub-market areas.

It should be noted that although the surplus of housing land in East Ayrshire was small, the method of calculation used by the Structure Plan Team, includes a 10% flexibility adjustment on demand (+278units) and an allowance for an anticipated reduction in out-migration (+1159 units). In addition, no allowance is made in the calculation for “windfall” sites. A very large margin of flexibility is therefore built into the calculation.

5.6 Policy L5 states that proposals to extend the greenfield supply of land for residential development shall require to:

- (a) demonstrate clear evidence of shortfall in effective land supply in the relevant Housing Market Area;
- (b) demonstrate effectiveness and output contribution during the shortfall period; and
- (c) be fully justified against the criteria identified in Policies G1-G8.

The AJSP defines greenfield land as “land outwith the urban area, in use, or generally capable of being brought into active or beneficial use for agricultural (including forestry) purposes”. Although only two thirds of the application site lies outwith the urban area, the application has to be considered as a whole.

As is indicated in paragraph 5.5 above, there is no shortfall of effective land supply in the East Ayrshire Housing Market Area. The proposed development has not been justified against the criteria of Policy L5 and consequently does not therefore comply with the provisions of the above policy.

5.7 Policy G1 of the AJSP indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except:

- (a) where it specifically accords with other policies in the structure plan;
- (b) in locations identified in local plans for that specific development purpose; and
- (c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.

Part of the site is located within the settlement boundary as defined by the Adopted Cumnock and Auchinleck Plan. Although development of this part of the site would be consistent with the above policy, the development, as a whole, has to be considered.

The proposed development, as a whole, does not specifically accord with other policies in the structure plan. Furthermore, the proposed development does not meet appropriate development criteria outlined in the AJSP. The proposal is therefore contrary to the provisions of Policy G1.

5.8 Policy G2 commits the three Ayrshire Councils to actively improving the urban and rural environment and not being supportive where there would be significant adverse effects arising from development.

It is considered that the site could be developed without adverse environmental effects.

5.9 Policy G5 states that development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals 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 applicant has not demonstrated a site specific locational need. There are effective housing sites within the settlement boundary of Cumnock. The development would provide limited economic benefit during construction works and criteria (c) and (d) do not apply. The proposal is not therefore consistent with the above policy.

5.10 The proposed development also has to be determined against the Adopted Cumnock and Auchinleck Plan (1992). Notwithstanding the age of the Adopted Local Plan, the proposed development requires to be assessed against Tourism and Residential Policies. Part of the site (approximately one third) lies within an area covered by Policy 72 which states that the District Council and the Scottish Tourist Board will encourage the provision of further tourist and hotel accommodation in the local plan area.

The proposed development does not relate to a tourist activity and would not therefore be consistent with the provisions of the above policy of the adopted local plan.

5.11 Policy 17 states that the District Council will make a presumption in favour of single, small scale, especially high amenity residential development in the countryside.

This policy encourages only small scale residential development. The proposed development of a 3 hectare site is considered to be a medium sized development.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications)(2001), (EALP), and the objections detailed in Section 4 above.

6.2 Whilst the AJSP and the Adopted Local Plan comprise the Development Plan, it is considered that minimal weight should be attached to the adopted local plan. As previously confirmed, the Adopted Local Plan was developed in accordance with the emerging Strathclyde Structure Plan and not the Ayrshire Joint Structure Plan. It is therefore considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration where relevant to the application being determined. The EALP is the only local plan for East Ayrshire which conforms to the approved AJSP.

6.3 Policy ADS3 of the AJSP states that new residential, economic, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined by the local plans.

The proposed development lies outwith the settlement boundary, as defined by the EALP, and is therefore contrary to the Policy ADS3 of the AJSP.

6.4 Policy ADS5 of the AJSP states that the three Ayrshire Councils shall adhere to the guiding principle of protecting the countryside for its own sake.

The proposed development would be contrary to the provisions of the above policy as the site lies within the Rural Protection Area, as defined by the EALP.

6.5 Policy L2 of the AJSP states that in assessing the supply and demand for housing the three Ayrshire Councils shall:

- (a) treat each of East, North and South Ayrshire Council areas as Housing Market Areas; and
- (b) be guided by forecasts of demand in the Structure Plan, or its reviews.

Noted.

6.6 Policy L3 of the AJSP indicates that in addition to the effective housing land supply at March 1998, local plans shall allocate sufficient land to meet housing shortfalls. (A shortfall of 210 houses in the East Ayrshire Housing

Market Area in the period 1998-2005 is identified. The plan offers guidance that this shortfall should be accommodated within the Kilmarnock and Loudoun Housing sub-market area).

As outlined in Paragraph 5.5, it is considered that sufficient land has been allocated within the EALP to meet demand in the East Ayrshire Housing Market Area. Therefore the proposal is contrary to Policy L3.

6.7 Policy L5 states that proposals to extend the greenfield supply of land for residential development shall require to:

- (a) demonstrate clear evidence of shortfall in effective land supply in the relevant Housing Market Area;
- (b) demonstrate effectiveness and output contribution during the shortfall period; and
- (c) be fully justified against the criteria identified in Policies G1-G8.

Although the site would be effective if planning permission were approved, there is no shortfall of effective land supply in the East Ayrshire Housing Market Area. The proposed development has not been justified against the criteria of Policies G1-G8 (see below) and consequently does not therefore comply with the provisions of the above policy.

6.8 Policy G1 of the AJSP indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except:

- (a) where it specifically accords with other policies in the structure plan;
- (b) in locations identified in local plans for that specific development purpose; and
- (c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.

The proposed development does not specifically accord with other policies in the structure plan. Furthermore, the site is not identified within the EALP for residential development purposes and does not meet appropriate development criteria outlined in the AJSP and the EALP. The proposed development is therefore contrary to the provisions of Policy G1.

6.9 Policy G2 commits the three Ayrshire Councils to actively improving the urban and rural environment and not being supportive where there would be significant adverse effects arising from development.

It is considered that the site could be developed without adverse environmental effects.

6.10 Policy G5 states that development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals 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 applicant has not demonstrated a site specific locational need. There are effective housing sites within the settlement boundary of Cumnock. The development would provide limited economic benefit during construction works and criteria (c) and (d) do not apply. The proposal is not therefore consistent with the above policy.

6.11 Strategic Development Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

The development does not comprise an acceptable form of residential use as identified in Policy RES13 nor does it contribute to rural diversification or provide for the needs of agriculture or forestry. There is no site specific locational need as there are sufficient effective housing sites identified within the EALP. The development would provide only limited economic benefit during construction works. The proposal is therefore contrary to the provisions of this policy.

6.12 Policy RES2 states that proposals for residential development outwith but adjacent to the settlement boundaries will not be acceptable unless all of the following criteria are fully satisfied:-

- (i) there is a demonstrated shortfall in the supply of effective housing land within the relevant Housing Sub-Market Area;

Although Policy L3 indicates that there is a shortfall of 210 units in the Housing Market Area (and guides provision to the Kilmarnock and Loudoun Housing Sub-Market Area), this shortfall

has been fully met by the sites identified in the EALP. The subsequent review approved in December 2000 indicates that there is now no shortfall in effective housing land in the East Ayrshire Housing Market Area.

- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;

The site could be considered to be effective if planning permission were approved, as there are no major constraints to its development. As outlined above however, there is no shortfall in effective housing land in the East Ayrshire Housing Market Area. There is therefore no need or justification for an additional release of housing land and the application is contrary to Policy RES2.

- (iii) The proposal meets the terms of the Housing Development Strategy of the Local Plan.

The Housing Development Strategy directs the larger scale developments of 100+ houses to the main settlements of Kilmarnock and Cumnock, and medium size developments, of which the proposal is one, to settlements located along the A76/A735 corridor and with existing or potential access to the Glasgow/Dumfries railway line. Cumnock and the surrounding area is shown to be within this corridor as illustrated within the EALP. Notwithstanding this the Strategy also encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned. The EALP allocates sufficient housing sites within Cumnock to meet demand.

It is therefore concluded that the proposed development does not meet the terms of the Housing Development Strategy of the EALP and is therefore contrary to the policy provisions of Policy RES2(ii).

- (iv) Road access and all other services and infrastructure can be provided to the standard required by the relevant public and statutory service providers.

No objections to the proposed development have been received from statutory consultees.

- (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.

No details of design or layout have been submitted at the outline stage. Due to the characteristics of the site, the development of the site would result in a linear development which would be an obtrusive extension of the town into the countryside.

6.13 The EALP has specific policies for single houses within the countryside. As this proposal relates to a medium size development, these policies are not relevant in the determination of this application.

6.14 Leisure and Recreation Policy TLR5 of the EALP states that the Council will, subject to the necessary finance being available, improve and enhance the provision of leisure, recreational and sporting facilities in the area settlements and throughout the rural area. In this regard, the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates. Contributions will be at a level to be agreed by the Council, based on the expected number of houses and the level of need in a particular area for particular facilities.

The Council has now agreed that all applications for four or more houses will require to make an associated payment, equivalent to 1% of the construction costs, to be made into a sports, leisure and recreation fund. Within the Cumnock Area these funds will address the deficiency of an indoor swimming pool in Cumnock. Should the application be approved, this payment will be secured through a Section 75 Agreement with the developer and the Council.

6.15 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.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise from the making of a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to secure the provision of link footpath between Bunten's Close and Netherthird Primary School, and to secure the appropriate contribution towards the Council's Sport, Leisure and Recreation Fund should planning permission be granted.

8. CONCLUSIONS

8.1 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. As is indicated at paragraph Section 5 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 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 as the development is contrary to the policy provisions of the EALP.

8.2 The most recent figures regarding the supply of and demand for housing in East Ayrshire conclude that there is no shortfall in effective housing land in the relevant market area, and therefore there is no need for an additional release of housing land. Although the Local Plan's Housing Development Strategy directs medium size developments along the A76/A735 corridor, it also encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned. As the local plan identifies sufficient effective housing sites within Cumnock to meet demand, there is no requirement to release greenfield sites for development.

8.3 In terms of the letter of objections, concerns regarding the state of the existing roads in Phases 1,2 and 3 of Skerrington Farm can be met by attaching appropriate conditions to any planning consent. Concerns regarding the utilisation of the existing access to Glaisnock Road have not been echoed by the Roads Division. Concerns regarding the play areas and the location of the site offices within the existing development are not material considerations in the determination of this application.

8.4 Should the Committee be minded to approve the application, it would be considered a significant departure from policy and would therefore require to be referred to the Development Services Committee for consideration.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

29 August 2001
VE/VE/FGD

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/certificates.
3. Consultation responses.
4. Letter of representation.
5. Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Previous application CD/89/189.
9. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 00/0265/OL

Location	Land Adjacent to Skerrington Farm
Nature of Proposal:	Proposed Residential Development Site
Name and Address of Applicant:	Stanley Stores (Strathclyde) Ltd Skerrington Farm Glaisnock Road CUMNOCK KA18 3BU
Name and Address of Agent	

DPO's Ref: Vivien Emery]
PPO's Ref; [

The above **FULL** application should be refused on the following grounds:-

- (1) The proposed residential development does not accord with Policy 72 of the Cumnock and Auchinleck Adopted Local Plan (1992) which identifies part of the application site for the provision of tourist and hotel accommodation.
- (2) The proposed development lies outwith the settlement boundary of Cumnock and would be contrary to Policies SD3, and RES2 of the East Ayrshire Local Plan, Finalised Version with Modifications (2001) and contrary to Policies ADS3, ADS5, G1 and G5 of the approved Ayrshire Joint Structure Plan (1999), as there is no demonstrated shortfall of effective housing land within the Cumnock and Surrounding Area Sub-Market Housing Area nor a justified specific locational need for the development.
- (3) The proposed development does not accord with the Housing Development Strategy stated in the East Ayrshire Local Plan, Finalised Version with Modifications (2001) which encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned.
- (4) The proposed development fails to accord with Policies L3 and L5 of the approved Ayrshire Joint Structure Plan (1999) as there is sufficient land allocated for residential purposes in the East Ayrshire Housing Market Area.
- (5) 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.
- (6) The proposal would constitute a linear development which would be an inappropriate extension of development into the countryside.

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AGENDA