

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002**

**01/0856/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR  
RESIDENTIAL DEVELOPMENT  
AT LAND TO EAST OF DRAFFEN HOUSE, LOUDOUN STREET, STEWARTON  
BY DIANE FRASER**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The application proposes that Outline Planning Permission be granted for Residential Development at this location. The two application, or "twin tracked", approach is utilised when applicants may wish to allow one application to proceed to a decision whilst appealing the second application on the basis of non-determination.

1.2 Being applications in outline, no plan details have been submitted in support of the proposal other than an indication of the site's boundary. However, a detailed written submission has been lodged which is summarised in the "Representations" section of this report.

1.3 In relation to the non-appealed application, the applicant's have indicated their intention to submit substantial additional information. This is not, though, relevant to the consideration of this application before the Committee.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the reasons indicated on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in paragraphs 5.2 to 5.5 of the report, the application is considered to be contrary to the development plan (in terms both of the Adopted Stewarton Local Plan and the Approved Ayrshire Joint Structure Plan). Therefore, given 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 discussed in Section 6 of this report, there are material considerations relevant to the application however it is considered that these material considerations add weight to the case for refusal of the development.

3.2 This proposal is contrary to the Ayrshire Joint Structure Plan, the Adopted Stewarton Local Plan and the East Ayrshire Local Plan Finalised Version with Modifications and is therefore not acceptable in planning policy terms. In addition the development would be visually detrimental to the landscape by intruding into the countryside to the east of Stewarton where it would also coalesce the Meikle Cutstraw settlement group with Stewarton.

3.3 There are objections from Scottish Water and in circumstances where there is no justification for the development, any consent would not be sustainable in terms of NPPG 17.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, then it will require to be referred to the Development Services Committee because such a decision would represent a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and 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.**

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**Report by Head of Planning and Building Control**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration by the Local Planning Committee an application which is subject to objections and upon which the Committee are required to express a view for use in the context of a current Planning Appeal to the Scottish Ministers. Members are asked to form a view on the proposal that can form the basis of the Council's response to the appeal that was lodged on the basis of non-determination within the statutory two-month period.

1.2 A second identical application submitted at the same time has not been appealed and is the subject of continuing discussions with the applicants' agent.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises some 21.9 acres of undulating pastoral land to the east of Stewarton extending between Cutstraw Road to the north, Loudoun Street to the south, the semi derelict Draffen farmsteading and associated new build to the west and a track and field boundaries to the east. The site is at its highest in the vicinity of Draffen near which it is crossed in a north/south direction by an existing power line. The south east corner of the site contains evidence of historic limekiln workings which are now partly filled with lying water. The site is very prominent in the landscape on the approach to Stewarton from the east.

2.2 **Proposed Development:** The application proposes that Outline Planning Permission be granted for Residential Development at this location. The two application, or "twin tracked", approach referred to in 1.2 above is utilised when applicants may wish to allow one application to proceed to a decision whilst appealing the second application on the basis of non-determination.

2.3 Being applications in outline, no plan details have been submitted in support of the proposal other than an indication of the site's boundary. However, a detailed written submission has been lodged which is summarised in the "Representations" section of this report.

2.4 In relation to the non-appealed application, the applicant's have indicated their intention to submit substantial additional information. This is not, though, relevant to the consideration of this application before the Committee.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has commented as follows:

- Further information is required including an indication of the number of units and connections to the existing road network.
- There should be a Transportation Assessment considering existing network impacts and including a Green Transport Plan.
- There should be provided a preliminary Sustainable Urban Drainage Design agreeable to SEPA and Scottish Water and addressing maintenance.
- A Flood Risk Assessment may be required dependent on the surface water discharge point.
- The junction standard and geometry on to the B778 should suit a 60-mph speed limit, although a reduction in speed limits could be considered.
- Access onto the road to the north of the site would require specific road widenings and further mini roundabout upgrading at the Cutsburn Road junction. This may entail compulsory purchase procedures.
- The Transportation Assessment may highlight other road network improvements.

***Noted. This is an application in outline in relation to which only very limited information was submitted. No Transport Assessment or Green Transport Plan accompany the details before the Council.***

3.2 Department of Education and Social Services has no specific objections and any pressures that may result on the Stewarton Academy may mean that the Education Authority would require to maintain its statutory duties by re-directing pupils to alternative provision. However, "the roll figures for Stewarton Academy show that the roll should fall over the next number of years. This is based on the figures from its associated primary schools. Over the last five years no placing requests have been allowed into the school at the S1 stage due to the numbers from feeder primaries and spaces being reserved for children moving into the area. With a falling roll the vacant spaces created by the difference between the P7 numbers and S1 capacity minus the reserved spaces could be taken up by placing requests meaning that space available for pupils moving into the catchment area would be limited to those specifically reserved."

***Noted.***

3.3 Scottish Environment Protection Agency do not object provided foul drainage is connected to the public sewer. However SEPA are aware that foul drainage is not being accepted by Scottish Water in certain locations where the cost of connection to or improvement of sewerage apparatus exceeds "reasonable costs". The applicant is urged therefore to contact Scottish Water at an early stage in this regard.

Any permission should be conditioned to require treatment of surface water via Sustainable Urban Drainage Systems. SEPA would oppose any culverting of the small watercourse existing on the southern boundary and the principles of leaflet PPG5 should be observed to minimise pollution risk during construction.

***Noted. Should the Committee agree to approve the application conditions and notes to applicants could address the above points.***

3.4 Department of Community Services Outdoor Amenities has no objection to the development but notes several trees which could be retained and highlights the need for maintenance of internal and boundary hedging if retained as part of the development.

***Noted. A condition could address the retention and maintenance of such features in the event of the application being approved.***

3.5 West of Scotland Archaeology Service notes a Sites and Monuments record of limekilns in the south of the site together with a limestone quarry. These are of archaeological interest. The rest of the site may also contain unrecorded sub-surface archaeological deposits. There should be an archaeological evaluation of the housing proposals prior to the determination of the application involving trial trenching of the green field site and non-invasive assessment of the kilns and quarry complex. Until these are undertaken the Service cannot advise on the weight to be attached to archaeological issues.

***Noted.***

3.6 Scottish Water has stated that the existing downstream Combined Sewer Overflow has been classified as UNSATISFACTORY, preliminary investigation suggests that upgrading of the sewerage system will be outwith reasonable cost.

Increase in surcharging would be unacceptable and therefore Scottish Water object to the progression of the development.

***Noted. If the Committee were to agree to approve the application, it would be possible to attach a suspensive condition preventing development from commencing prior to the existing sewerage system being upgraded as required.***

3.7 Stewarton Community Council has registered its strong objections as follows:-

- Draining this area into the Annick Water could cause flooding in the lower regions of the town.

- The local road system could not cope with the increased traffic volumes and there would be chaos in the town centre.
- The local rural amenity would be totally destroyed.
- The application is contrary to the Stewarton Plan and the East Ayrshire Local Plan.

***The proposal is contrary to both the Development Plan and the East Ayrshire Local Plan Finalised Version with Modifications which will be considered in more detail later in this report.***

***The flood risk issue is of concern and dependent upon the surface water discharge point to the watercourse system, there may require to be a Flood Risk Assessment. Any grant of consent would require a Traffic Assessment and a Green Transport Plan to consider traffic volume impacts. The development would have a significant adverse impact on the amenity of Stewarton at its eastern approaches and would lead to coalescence of Stewarton and Meikle Cutstraw.***

3.8 Scottish Power has no objection to the proposal subject to any costs arising from the protection, alteration or making good of their apparatus being rechargeable to the applicant.

***Noted.***

3.9 Ayrshire Joint Structure Plan Team comments that Structure Plan Policy ADS3 requires that new development is directed to and located within settlement boundaries as defined by local plans. "In this respect I note that the finalised plan for East Ayrshire indicates that the site lies outwith the settlement boundary of Stewarton and therefore within the 'rural protection' policy area."

"To conform to Structure Plan Policy the proposal would require to be consistent with the criteria listed in Policy G5. This proposal would appear not to conform to these criteria and is therefore contrary to the current development plan."

***Noted. The criteria referred to indicate that development proposals shall conform where there is site specific locational need; justification in terms of social or economic benefit to the community; contribution to rural land diversification or provision for the operational needs of agriculture and forestry. None of these justifications are applicable.***

#### **4. REPRESENTATIONS**

The proposal is subject to objection from 9 members of the public together with the objections from the Stewarton Community Council and Scottish Water detailed above. The grounds of objection are as follows:-

4.1 The site comprises "green belt" and development would be detrimental to the environment. Is there to be an ad hoc re-zoning to suit developers and absent property owners? Will local people be consulted on such re-zoning?

***The circumstances of the site with regard to planning policy are considered in Sections 5 and 6 of this report.***

4.2 There would be further strain placed on local schools and amenities. The school role is already at capacity.

***The observations of the Director of Education and Social on this and related issues are set out in Paragraph 3.2 above..***

4.3 Without investment in amenities in Stewarton, there is not even a country walk or cycle path; then the building of estates has to stop. The village will become one large housing estate with no quality of life.

***The proposal falls outwith those circumstances defined within the Development Plan and the East Ayrshire Local Plan where such development would be acceptable. Had the proposal been policy compliant; in accordance with Policy TLR 5 the applicants would have been asked to contribute to a Sports, Leisure and Recreation Fund which in turn would assist in addressing the amenity issues raised.***

4.4 The proposal would inhibit the privacy of existing properties as it encroaches to within 50 yards of back gardens.

***In places the development would encroach to within 20 or 30 metres of existing residential dwellings, however within any detailed submission subsequent to an outline planning consent would be an assessment of privacy and overlooking issues.***

4.5 At least part of the site had been used for a golf course prior to the War. There is now a lack of amenities in Stewarton and what plans does the Council have to remedy this?

***See response to 4.3 above. The site itself would, in the event of any grant of outline planning consent, be required to accommodate amenity and open space provision within the subsequent detailed submission.***

4.6 The development is at a high elevation with a view over to Arran. New houses would overlook the town and development would be intrusive. There would be a loss of outlook across the site.

***Whilst the loss of outlook is in itself not a relevant planning consideration, the development would impact on the amenity of the area and of those already living in that area.***

4.7 Eighteenth century limekilns in the east corner of the site are indicative of carboniferous deposits rich in marine fossils. These limekilns and associated spoil dumps should not be obliterated. This matter should be referred to Scottish Natural Heritage.

***The West of Scotland Archaeology Service have commented on these features in their reply; para 3.5 above. In circumstances where development of the site had been policy compliant, then West of Scotland Archaeology Service's comments would have triggered detailed investigation of these features. In the event of this outline application being approved, a suspensive condition could require that appropriate archaeological investigation be reflected in the detailed submission.***

4.8 The main quarry is filled with water and offers a wildlife habitat being used by ducks and herons.

***It is accepted that this feature offers a wildlife habitat. Any grant of consent should require by condition that this fact be recognised within the subsequent detailed submission.***

4.9 There would be further strain on the existing roads which are too narrow and unsuitable even for current traffic volumes. Following accidents at the Galston turn off on the A77, mass diversions of traffic through Stewarton completely jam the town. How can safe access to and from the site via the B778 be guaranteed?

***The Roads Division would require a Transportation Assessment and a Green Transport Plan amongst other details; see para 3.1 above; as an integral part of any grant of consent. Such assessments would underpin their acceptance of development on site and would be critical in securing a development of a scale and layout consistent with road safety within and outwith the site.***

4.10 How is the mini roundabout in Cutstraw Road to be re-constructed to ensure safe access by pupils attending the Academy and Nether Robertland Primary? There are no pavements at the bottom of Cutstraw Road, a situation that this proposal would make more dangerous. A one way system is not the answer and traffic lights could lead to unnecessary hold ups.

***See response to paras 4.9 and 3.1 above.***

4.11 A more limited development restricted to the south slope between Draffen and the quarry with a new roundabout opposite Waterhead may be acceptable to more people.

***Noted. Residential development of any sizeable scale would, at this location, be contrary to the Development Plan and the East Ayrshire Local Plan.***

4.12 Neighbouring property is likely to be used as an access point and an unauthorised shortcut to the development.

***Noted.***

The applicants have also submitted the following comments; in summary; in support of their application:-

4.13 This would be a high amenity development for upper market or self build plots for which the Council recognises a need. Conditions or a legal agreement would be acceptable to secure such a development being limited to less than 100 houses.

***High amenity housing at this level would represent nearly 60% of the total output of such sites identified in the East Ayrshire Local Plan in circumstances where the demand for such large properties would be questionable. There exists a likelihood that a developer would seek to increase densities. Notwithstanding this, the Council's Housing Development Strategy directs such large-scale residential developments to Kilmarnock and Cumnock.***

4.14 Development of the site would likely commence after Spring 2004, well beyond the predicted peaking in the Stewarton Academy pupil roll. Development would likely be over a number of years with the bulk of completions extending into the next Local Plan period placing Draffen as a high amenity site contributing to long term Council economic objectives.

***The Council wishes to avoid an oversupply of housing land and whilst in certain circumstances a larger site than is needed for the land supply might be phased beyond the Plan period, this would be only while a successor Local Plan is being prepared and in respect of sites meeting the terms of the Council's Housing Development Strategy. This site does not fulfil the Housing Development Strategy.***

4.15 A report on access options will be lodged with the Council, however these could provide enhanced linkages from Loudoun Street to North East Stewarton. The site is well placed for walking to rail and bus services and hopper bus services could utilise the development access road. Proximity as well to the Stewarton Academy makes this a sustainable site in terms of NPPG 17.

***National Planning Policy Guidance 17, "Transport and Planning", lays out various objectives towards securing sustainable patterns of development including reduced greenhouse gas emissions, enhancing the quality of life and minimising environmental intrusion. The application can be demonstrated not to be sustainable in that increased and unnecessary vehicular usage will follow from development of a site not justified by Council housing policy and because the development will represent an unwarranted environmental intrusion. With improved vehicular access shortly to be afforded to the Glasgow conurbation; via the M77 improvements; it is reasonable to assume that residents of the site if developed will make significant use of private transport. Indeed, development of the type proposed, high amenity / upper market housing, is likely to require provision of 3 car-parking spaces per unit in reflection of the parking standards operated by East Ayrshire Council and prevalent nationally.***

***The site is in reality in excess of 1 mile from the railway station, throwing doubt upon any contention that public transport offers a sustainable alternative to the private car.***

4.16 Small house plot groups set amongst structural landscaping and a carefully designed landscape will frame the existing environment, reflect the site's backdrop and create high amenity development parcels.

***Up to 100 dwellings would be considered by the applicants as an acceptable development form where currently there is rolling pastoral farm land rising towards Draffen. If approved, a necessarily urban development form will flow eastwards down the eastern approaches to Stewarton. As proposed by the applicants in 4.17 below this development might also provide an upgraded north/south distributor road linking Loudoun Street and Cutstraw Road. Such a feature is hardly compatible with the landscape and visual benefits suggested by the applicants as flowing from their proposal.***

4.17 Two items of Planning Gain should be formally raised with the Council. Firstly, the Cutstraw Road/Loudoun Street residential core road could be upgraded to the wider benefit of Stewarton. By Legal Agreement the Council could pay only for the (approx) £100,000 cost of upgrading the core road. Secondly, from within the application site, 2 acres would be donated to the Council for use by them or others for the provision of leisure facilities. It would be proposed to reserve this area for the specified purposes for an agreed period (possibly 5 years after the grant of the outline planning permission) after which the land would revert to the current owner. This would again be secured by Agreement.

***A shortage of leisure facilities in Stewarton is acknowledged however a site has been identified at Cocklebie Park (Prop 41 of the East Ayrshire Local Plan) for an expansion of leisure facilities where the expanded facility can take advantage of existing changing accommodation. The identification of additional land for recreational purposes is acceptable in principle but such facilities at this location could divert scarce resources from the better site at Cocklebie Park and do not justify the unnecessary release of housing land at the application site. Furthermore, through Policy TLR5 of the East Ayrshire Local Plan, it is already the Council's current practice to request developers to contribute towards the enhancement of leisure and recreation provision. The applicant's offer is therefore not as significant or as valuable as implied.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 & 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 Stewarton Local Plan (1986). The Adopted Local Plan was prepared within the context of the Strathclyde Structure Plan.

#### Approved Ayrshire Joint Structure Plan

5.2 Policy ADS3 of the Ayrshire Joint Structure Plan (AJSP) states that new development shall be directed to settlements as defined by local plans. Policy ADS5 requires adherence with the principle of protecting the countryside for its own sake.

***The proposal is contrary to both these policies.***

5.3 Policy L5 states that further greenfield releases for residential use shall meet stated criteria. There is no evidence of a clear shortfall in effective land supply and the proposal cannot be justified against Policies G1 – G8.

***The proposal is contrary to the AJSP on this basis.***

5.4 Policies G1 and G2 require priority in new development being given to land in existing settlements, with certain exceptions, and require development not to have significant adverse affects.

***The proposal is contrary to the AJSP on this basis.***

5.5 Policy G5 of the Ayrshire Joint Structure Plan 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.

***It is considered that this proposal does not fulfil any of the above criteria and is therefore contrary to AJSP policy.***

#### Adopted Stewarton Local Plan

Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 5.3.5 which requires that new housing development in the countryside will be favourably considered where all 6 listed criteria are met.

***As this proposal is located in the countryside outwith the settlement boundary of Stewarton and is not for a single dwelling required on a permanent basis for an agricultural or forestry worker, it is contrary to adopted local plan policy. Given that this local plan is considerably out of date, the prime material consideration in this case should be the East Ayrshire Local Plan.***

## 6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the statutory consultation responses, representations received and NPPGs 1, 3 and 17.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

### East Ayrshire Local Plan Finalised Version with Modifications

6.3 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 all of the following criteria are fully satisfied:

- (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”.

***The proposal is not considered to be justified by the five criteria listed in the policy in that there is not considered to be a shortfall in effective housing land supply, it does not meet the terms of the Housing Development Strategy and will have a significant adverse impact on the visual and natural environment.***

6.4 Within the East Ayrshire Local Plan, this proposal is located outwith the settlement boundary of Stewarton in the Rural Protection Area. Policy RES 13 of the East Ayrshire Local Plan states that:

“The Council will only be supportive of residential development in the Rural Protection Area where it can be demonstrated that the houses are required on a permanent basis:

- (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 or 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 RES 8.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support”.

***The applicant has not indicated that the development is required for any of the above reasons. The site is not an identified housing site and is contrary to Policy RES 13.***

6.5 Policy RES 17 states that:

“Residential development in the countryside will not be permitted:

- (i) In Sites of Special Scientific Interest and on other recognised, important areas of known nature conservation, built heritage or natural heritage interest;
- (ii) On prime quality or good quality, locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macaulay Land Use Research Institute (see appendix 3);
- (iii) Where the development would result in the loss of land planted for forestry, areas of ancient or semi-natural woodland, mature shelter belts or in the loss of mature trees;
- (iv) Where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;
- (v) Where the development would constitute an extension from those clearly defined groups of houses not delineated by a formal settlement boundary within the Rural Protection Areas as identified on the Local Plan maps;
- (vi) Where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;
- (vii) Where the development would contribute to the coalescence of neighbouring communities;

- (viii) Where, in the opinion of the Council, the development would be unduly visually prominent, break the skyline where viewed from a public road, adversely affect the amenity and appearance of remote areas, wild areas or particularly picturesque locations, or diminish the natural or designed landscape quality and character of the area; and
- (ix) Where the development would not meet the service requirements of the Council as Roads Authority or the standards of all appropriate statutory undertakers and other service providers”.

***The application is contrary to Policy RES 17 in that it does not meet the terms of criteria (iv, (vi) and (vii). The development would be an inappropriate extension into the countryside, ribboning out along the B778 and Cutstraw Road. The development would extend to the Meikle Cutstraw Farm group of dwellings along Cutstraw Road which would be effectively absorbed into the urban area of Stewarton. The properties at Little Cutstraw would similarly be drawn to the very edge of the extended Stewarton boundary where the proposal might be presented as suggesting the potential for further residential development to the south between Little Cutstraw and Waterhead. In addition the applicant has alluded to the impact of their proposal to facilitate an improved Loudoun Street to North East Stewarton link road; specifically the realignment of Cutsburn Road and the promotion for development of a triangular area of land north of Cutstraw Road. These developments bring their own adverse impacts.***

6.6 This site was the subject of an objection to the East Ayrshire Local Plan which was considered at Public Local Inquiry earlier this year. The applicant was of the opinion that this site should be included in the local plan as a housing development opportunity.

***The Scottish Executive Reporter has now concluded that this site should not be favoured in view of, amongst other considerations, visual and landscape impact.***

6.7 The Development Services Committee on 22 October 2002 considered a report into the Unresolved Objections into the East Ayrshire Local Plan. That Committee adopted a series of modified policies arising from the Scottish Executive Reporter's recommendations. However, with regard to Lands East of Draffen, the Reporter accepted the Council view that the site not be allocated in the EALP for residential purposes.

***The decision of the Development Services Committee was subsequently ratified by Full Council on 24 October 2002.***

## Statutory Consultations

6.8 Whilst the Roads Division has not objected in principle to the proposal, the technical solutions necessary to secure appropriate and safe connections to the existing road network and to enhance that network, together with roads construction internal to the site, are a cause for concern in terms of the urbanisation of the eastern Stewarton approaches.

6.9 There are objections from the Stewarton Community Council and Scottish Water which weigh in favour of a refusal of the application.

## Representations

6.10 The several objections to the application raise valid planning concerns of such weight as would justify refusal of the application. The representations from the applicant are noted but do not outweigh the case against the development.

## NPPG 1 (Revised 2000) "The Planning System"

6.11 NPPG1 stresses the need to give weight to the community's concerns and highlights the importance of protecting and enhancing the environment. It also affirms the link between decision making and an authoritative and up-to-date policy framework. Both the material considerations and the policy framework require refusal of the application.

## NPPG 3 "Land for Housing", "Planning for Housing" Consultation Draft (2002)

6.12 Guidance in these documents seeks to avoid urban spread and coalescence of settlements. The application breaches these principles.

## NPPG 17 "Transport and Planning"

6.13 Compliance with NPPG 17 has been stated by the applicants as a basis for agreeing the application. It is considered that on the contrary, the development breaches key principles in this Guidance.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 Application No. 01/0856/OL has been appealed on the basis of non-determination; no decision having been issued within the statutory 2 months period. Members are asked only to agree a view on this application that will form the basis of the Council's response to the appeal. The appellants may, if they wish, present a claim for costs in respect of the appeal process which they indicate should proceed by means of a public local inquiry.

7.2 In the event of the determination of this application proceeding to approval, the applicants have offered to enter into a legal agreement in respect of an enhanced eastern distributor road and land transfer for leisure purposes.

## **8. CONCLUSIONS**

8.1 As indicated in paragraphs 5.2 to 5.5 of the report, the application is considered to be contrary to the development plan (in terms both of the Adopted Stewarton Local Plan and the Approved Ayrshire Joint Structure Plan). Therefore, given 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 discussed in Section 6 of this report, there are material considerations relevant to the application however it is considered that these material considerations add weight to the case for refusal of the development.

8.2 This proposal is contrary to the Ayrshire Joint Structure Plan, the Adopted Stewarton Local Plan and the East Ayrshire Local Plan Finalised Version with Modifications and is therefore not acceptable in planning policy terms. In addition the development would be visually detrimental to the landscape by intruding into the countryside to the east of Stewarton where it would also coalesce the Meikle Cutstraw settlement group with Stewarton.

8.3 There are objections from Scottish Water and in circumstances where there is no justification for the development, any consent would not be sustainable in terms of NPPG 17.

## **9. RECOMMENDATION**

**9.1 It is recommended that the Committee agree that the Council's position in the current appeal will be that the application should be refused for the reasons indicated 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 and Building Control, then it will require to be referred to the Development Services Committee because such a decision would represent a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

11 November 2002

(DVM/MS)

## LIST OF BACKGROUND PAPERS

1. Application Forms.
2. Application Plans.
3. Public Advertisements.
4. Statutory Consultation Responses.
5. Representations.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted Stewarton Local Plan (1986).
8. East Ayrshire Local Plan (Finalised Version with Modifications).
9. Approved Strathclyde Structure Plan.
10. National Planning Policy Guideline 1 (Revised 2000) "The Planning System".
11. National Planning Policy Guideline 3 "Land for Housing", "Planning for Housing" Consultation Draft (2002).
12. National Planning Policy Guideline 17 "Transport and Planning".

Anyone wishing to inspect the above papers please contact Dave Morris on 01563 576753.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0856/OL

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Site of Proposal:	Land to East of Draffen House Loudoun Street STEWARTON
Nature of Proposal:	Proposed Outline Planning Permission for Residential Development
Name & Address of Applicant:	Diane Fraser C/o Ian Bremner 1075 Warwick Road Acocks Green BIRMINGHAM B27 6QT
Name & Address of Agent:	Barton Willmore Planning Partnership 12 Alva Street EDINBURGH EH2 4QG

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DPOs Reference: DVM/MMM

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

1. The proposed development is contrary to Policies ADS3 and ADS5 of the Ayrshire Joint Structure Plan in that it proposes development outwith a settlement boundary and adversely impacts on the quality of the countryside.
2. The proposed development is contrary to Policy L5 in as much as there is no evidence of a shortfall in effective land supply in the Housing Market Area and it cannot be justified against the criteria identified in the stated policies.
3. The proposed development is contrary to Policy G5 of the Ayrshire Joint Structure Plan in that it comprises development in the Rural Protection Area, outside of a settlement, and for which there is no specific locational need or justification in terms of that policy.
4. The proposed development is contrary to Policy 5.3.5 of the Adopted Stewarton Local Plan in that it constitutes development in the countryside in circumstances where all of the specified conditions cannot be met.

5. The proposed development is contrary to Policy RES 2 of the East Ayrshire Local Plan Finalised Version with Modifications in that it represents an extension to green field housing land supply outwith but adjacent to the settlement of Stewarton in circumstances where it does not meet the criteria specified in that policy.

6. The proposed development is contrary to Policy RES 13 of the East Ayrshire Local Plan Finalised Version with Modifications in that it comprises residential development in the Rural Protection Area which is not justified against the terms of that policy; specifically it is not required on a permanent basis:

for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

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;

as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

as an enabling development for the conversion of a large rural residential or institutional property.

7. The proposed development is contrary to Policy RES 17 of the East Ayrshire Local Plan Finalised Version with modifications in that it comprises residential development in the countryside which would constitute an inappropriate extension of development into the countryside from existing settlement boundaries, would constitute the ribboning out of development along public roads in a rural location and which would contribute to the coalescence of the properties of Meikle Cutstraw into the urban area of Stewarton.

8. The proposed development is contrary to the terms of National Planning Policy Guidelines 1 & 3, "The Planning System" & "Land for Housing", in that it disregards the most up-to-date policy framework and creates urban spread and a coalescence of settlements.

9. The proposed development is contrary to the terms of National Planning Policy Guidelines 17 "Transport and Planning". The development would provide residential accommodation in a location and of a type which is not supported by either the Development Plan or the East Ayrshire Local Plan Finalised Version with Modifications and as such would unnecessarily contribute to the levels of greenhouse gases through the generation of vehicle movements and would adversely impact on the natural environment.

10. The application is not accompanied by either a Transport Assessment or a Green Transport Plan. Consequently there is insufficient information available to confirm that the development as proposed can be accommodated without detriment to the safe and proper operation of the surrounding road network.

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**AGENDA**