

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE : 11 JANUARY 2002**

**01/0742/OL: ERECTION OF 1 NO. DETACHED DWELLINGHOUSE AT LAND  
ADJACENT TO SKERRINGTON FARM, CUMNOCK**

**APPLICATION BY STANLEY STORES (STRATHCLYDE) LTD**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Outline planning permission is sought for the erection of a single dwellinghouse within the site. Although no details of the dwellinghouse have been provided at this outline stage, an indicative layout outlining the location of the proposed house within the plot has been submitted. It is proposed to access the site from the car park of Skerrington Farm. Although there is currently a shared surface access to the east of the site, it is not proposed to use this access, as this proposal would result in a third dwellinghouse being served by an access designed to serve two dwellings only, contrary to the Council's Roads Division Policies.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused on the grounds listed on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted local Plan due to the age of this plan.

3.2 The application site is identified as amenity open space within the approved layout for Phase 1, Skerrington Farm. The development of the land for residential use, within an area where there is no over provision of open space, is contrary to the policies of the EALP. Furthermore, it is considered that the amenity of existing dwellings within the development would be adversely affected by the proposal.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan.

**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 determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is contrary to policy and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within the south western most part of the Skerrington Farm residential development. The site is bound by existing residential properties to the east, the original Skerrington Farm premises (used for residential and office purposes) to the north and west and the A76 to the south. The site is presently in an untidy condition as a large amount of soil has been dumped within it.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a single dwellinghouse within the site. Although no details of the dwellinghouse have been provided at this outline stage, an indicative layout outlining the location of the proposed house within the plot has been submitted. It is proposed to access the site from the car park of Skerrington Farm. Although there is currently a shared surface access to the east of the site, it is not proposed to use this access, as this proposal would result in a third dwellinghouse being served by an access designed to serve two dwellings only, contrary to the Council's Roads Division Policies.

#### 3. CONSULTATIONS AND ISSUES RAISED

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

***Noted.***

3.2 West of Scotland Water, Scottish Power and British Gas Transco have no adverse comments to make on the proposed development.

***Noted***

3.3 The Scottish Environment Protection Agency has no objection in principle to the proposed development provided the drainage arrangements are to their satisfaction. The developer should consider the use of porous paving/asphalt for car parking infiltration and trenches/French drains for roof water, or treat or minimise the surface water leaving the site.

***A note could be attached to any planning consent with regards to SEPA's requirements.***

3.4 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Conditions regarding access, parking, surfacing of the driveway and the positioning of any future garages and gates should be attached to any planning consent.

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

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received with regard to the proposed development.

#### **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 Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 23 which states that there will be a presumption in favour of housing developments on those sites identified at Cumnock.

***The proposed residential development complies with the policy provisions of the Adopted Plan.***

#### **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), consultation responses and the planning history of the area.

## East Ayrshire Local Plan

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 as a prime material consideration. The site is affected by Residential and Recreation policies.

6.3 Residential Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

***The application site formed part of Phase 1, Skerrington Farm and was identified as open space within the approved layout.***

6.4 Residential Policy RES19 indicates that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be expected to pay due regard to the indicative basic standards set out in Schedule 3 of the Local Plan in preparing their proposals, although the precise type, size, location and design of the open space will be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area.

***Schedule 3 of the Local Plan indicates that the overall minimum open space provision should be 300 square metres per 10 houses. This provision should consist of active recreational open space and amenity open space. Planning permission has been approved for 77 dwellinghouses within the Skerrington Farm residential development. To meet the Council's standards, a total of 2400 square metres of open/amenity space should therefore be provided. At present, the approved plans for the whole development show two play areas and two areas of amenity space (including the application site) which are to be provided. This amounts to 2259 square metres and thus presently falls short of meeting the Council's standards. If the current application is approved, a further 397 square metres of amenity space will be lost, resulting in a total shortage of 528 square metres when assessed against the Council's standards. Although there are larger recreation sites within the vicinity i.e. at Netherthird, there are no other smaller areas of amenity open space within the immediate vicinity that would offset this shortage.***

6.5 Tourism, Leisure and Recreation Policy TLR8 states that there will be a presumption against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local Plan maps and on other undeveloped land within settlement boundaries which contribute to the setting, character and appearance of the settlement concerned. However, the following types of development on existing areas of maintained amenity or recreational open space

will be considered appropriate, subject to compliance with all appropriate Council Development Promotion and Design Guidance:

- (i) laying out of new playing fields, bowling greens, putting greens;
- (ii) creation of all-weather sports facilities;
- (iii) creation of new children's play areas;
- (iv) development of pavilions or other ancillary facilities to serve any existing or proposed outdoor sport and recreational activities in the area.

***Although the site is not safeguarded within the Local Plan as amenity open space, it was identified as amenity space within Phase 1 of the Skerrington Farm development. When landscaped, this area will contribute to the setting and amenity of adjacent dwellinghouses. The proposed erection of a single dwellinghouse within the site would therefore be contrary to the provisions of the above policy.***

6.6 Tourism, Leisure and Recreation Policy TR9 states that the development of both private and public recreational or amenity open space for purposes other than those described in Policy TR8 above, will be permitted only in exceptional circumstances where;

- (i) the retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site and where the development would not adversely affect the overall sporting, recreational and amenity value of the site itself; or
- (ii) alternative provision of equal community benefit and accessibility can be made available within close proximity to the site; or
- (iii) there is a clear, long term excess of pitches, playing fields and amenity open space in the wider area.

***Whilst there are other areas of open space which are to be provided within further phases of Skerrington Farm, these fail to meet the Council's Open Space standards (see paragraph 6.4). It is also considered that there is not an excess of amenity open space within the wider area. The proposed development is therefore contrary to the provisions of the above policy.***

### Consultation Responses

6.7 There are no consultation responses that would indicate refusal of the application.

## Planning History

6.8 Skerrington Farm has been the subject of the following applications for residential development. These are summarised as follows:

(i) Planning Application No. 97/0884/FL: Full planning consent was granted on 20 March 1998 for the erection of 13 dwellings.

***This planning consent at Pender's Wynd related to Phase 1 of the residential development, and this phase has been developed for individual housing plots. The site in question formed part of this application and was approved as amenity open space.***

(ii) Planning Application No. 99/0139/FL: Full planning consent was granted on 27 May 1999 for private housing development at Skerrington Farm. This proposal involved the erection of 63 dwellinghouses on the site including the formation of new residential roads to serve the development.

***Noted.***

(iii) Planning Application No. 99/0818/FL: Full planning consent was granted 21 January 2000 for the erection of 42 terraced, semi-detached and detached two storey dwellinghouses.

***This application was an amendment to application 99/0139/FL and involved a change to the previously approved house types.***

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

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 As is indicated at paragraph 5.1 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted local Plan due to the age of this plan.

8.2 The application site is identified as amenity open space within the approved layout for Phase 1, Skerrington Farm. The development of the land for residential use, within an area where there is no over provision of open space, is contrary to the policies of the EALP. Furthermore, it is considered that the amenity of existing dwellings within the development would be adversely affected by the proposal.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan.

Alan Neish  
Head of Planning and Building Control  
17 December 2001  
VE/VE  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Approved Cumnock and Auchinleck Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan
8. Previous application 97/0884/FL.
9. Previous application 99/0139/FL.
10. Previous application 99/0818/FL.

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

**Implementation Officer: Dave Morris**

Application no: 01/0742/OL

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Location	Land adjacent Skerrington Farm, Cumnock
Nature of Proposal:	Proposed erection of 1 no. detached dwellinghouse
Name and Address of Applicant:	Stanley Stores (Strathclyde) Ltd Skerrington House Glaisnock Road Cumnock KA18 3BU

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DPO's Ref: [VE ]  
PPO's Ref; [ ]

The above **OUTLINE** application should be refused on the following grounds.

1. The proposed erection of a single dwellinghouse would result in the unacceptable loss of amenity open space and would therefore be contrary to Policies TLR8 and TLR9 of the East Ayrshire Local Plan, Finalised Version with Modifications and would be detrimental to the amenity of the residential area.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**