

APPENDIX 3

EAST AYRSHIRE COUNCIL

REPORT OF HANDLING

Application Number : 10/0922/PP
Applicant Name: D Lindsay
Development : Proposed development of two houses
Location : Land Adj Barrmill Cottage
Maxwood Road/Castleview Avenue
Galston
East Ayrshire
Type : Planning Permission

1. Development Description

Proposed development of two houses

2. Site Description

The application site comprises land to the east of Maxwood Road, Galston. The site is located on grassed land and part of the site is outwith the settlement boundary.

3. Representations Summary

None.

4. Consultations Summary

SEPA - No objections

Galston Community Council - No objection.

Contaminated Land FAO Chris Johnson - No objection subject to a condition requiring contamination report.

Roads And Transportation have commended that the proposed layout as shown on drawing 0805:02 does not meet the requirements of the this department and does not recommend refusal of the application, it does note that the applicant may require to purchase land which has not been included within the redlined site. On this basis the applicant cannot demonstrate an ability to have an appropriate access capable of accommodating a refuse vehicle and as such the access is not acceptable.

The Coal Authority - No response.

Scottish Water - No objection.

5. Development Plan Summary

A significant area of land lies outwith the settlement boundary this is considered to be at least half of the site. It is noted that a previous consent for 2 dwellinghouses was granted for part of the site and which lies within the settlement boundary. The current proposal is for two dwellinghouses and the land outwith the settlement boundary comprises the garden ground of the two proposed houses.

This extension of development outwith the settlement boundary is contrary to the provisions of policy SD 3 as there is no justified need for this incursion into the countryside. It is also contrary to policies SD 5 and RES 9 as the development does not constitute any of the stated types of acceptable development.

RES 3 – advises that the Council will encourage the sympathetic residential development of gap or infill sites etc subject to certain criteria including:

- (i) has no adverse impact on the surrounding natural and built environment and adjacent uses;
- (ii) has no unacceptable transportation and infrastructure implications;
- (iii) is compatible with surrounding densities and housing types; and
- (iv) is in full compliance with the Council's approved Design Guidance.

Developments that do not meet all of these criteria will not receive Council support.

The position of the proposed 2 dwellinghouses is considered to have an adverse impact on the adjacent dwellinghouses to the west of the site. The proposal is also considered to have an adverse impact on the surrounding built environment. The surrounding residential area is typified by varying house types. Given the house design incorporates a three storey; it will detract from the setting of the immediate properties adjacent to the site as well as the wider estate.

Whilst the Roads Division has no objections to the development, they do note that access as proposed does not meet current requirements and to ensure adequate access would involve land that is not in the applicants control or within the control of the Roads Division. On the basis that the applicant has not shown a clear ability to access the site, it is considered to be contrary to this policy.

In terms of policy RES 20 (iv), it is further considered that this proposal would constitute an inappropriate extension of development into the countryside from the existing settlement boundary.

The proposal is also contrary to Policy T3 as the proposed access does not meet Roads requirements.

On this basis the proposal is not compliant with the development plan.

6. Material Considerations

Planning History

05/0199/OL Proposed Outline Residential Development Forming Two Building Plots Withdrawn on 14/09/2005.

06/1023/OL Residential Development Forming 2 Building Plots Approved with Conditions on 12/03/2007

Consultation responses – Roads Division have commented that the current access road layout does not meet current requirements and it is considered that the proposed development would be contrary to Policy T3.

Letters of Objection – None received.

Impact on amenity – Given the nature of the development, the design will involve fairly

substantial engineering works. This leads to the southern and eastern elevation of the dwellinghouses being a three storey which is out of character with the way houses have been built facing Maxwood Road and Castlevue Avenue and is considered to have an adverse visual impact on the surrounding area.

7. Financial and Legal Implications

None.

8. Application Assessment

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 Adopted East Ayrshire Local Plan (2010).

As noted at section 5 above, the development is considered to be contrary to the key policies of the development plan. This includes a section of the site outwith the settlement boundary and that to achieve required access to the site is on land outwith the redline site. However, the house design makes the characteristics of the building on the south elevation into a three storey and will have an adverse impact on the dwellings immediately adjacent on Maxwood Road and Castlevue Avenue or when viewed from the east due to the houses bulk, visual impact, the houses do not conform with the building size or layout in the immediate residential area.

The other material considerations also do not indicate that the application should be approved. The Roads Division have not recommended refusal but have indicated that the access does not conform to current guidelines. The applicant has not shown that he can achieve an access to the site. Furthermore, the impact on the amenity of the area is considered to be adverse and unacceptable. The prominent location and overbearing characteristics of the dwelling create an unacceptable visual impact and also adversely effect residential amenity.

9. Recommendation

Refused

10. Reasons for the Decision

The application is considered to be contrary to the development plan and the material considerations do not indicate that the application should be approved.

Case Officer : Robert Beaton

Signature:

Date:

18/2/11

Principal Planner:

Signature:

Date:

13/2/11

**Development Management
Manager :**

Signature:

Date: