

APPENDIX 3

EAST AYRSHIRE COUNCIL

REPORT OF HANDLING

Application Number : 07/0708/FL
Applicant Name: Mr A Dunsmuir & Mr R Watters
Development : Erection Of Two Dwellings
Location : WELLHILL COTTAGES
NEW CUMNOCK
Ayrshire
Type : Full Application

1. Development Description

Erection Of Two Dwellings: The proposed dwellinghouses are of the same design being of single storey in height comprising 5 apartments. The two dwellinghouses will be served by a single shared access and shared communal drainage arrangements. The design is considered to be acceptable for this rural location given the design and finishes of nearby residential properties It is considered however that red concrete tiles in the roof finish is not appropriate to this rural location.

2. Site Description

The site is located off the north-west side of the minor U754 public road that links the C36 Benston Road with the U716 Dalgig Road at Wellhill, near New Cumnock. The site extends to 3,880 square metres and comprises an area of vacant scrub land with tree belt and open areas. In topographical terms, the site is undulating and rises in level from a flat section adjacent to the site access and rises in a north-westerly direction. The site is bounded on its road frontage by a timber fence and access to the site is afforded by a field access gate. The land does not appear to be in any form of agricultural or other use.

3. Representations Summary

Two letters of representations have been received regarding the proposed development. It is noted that one of the objectors no longer resides in the neighbouring residential properties. *The main points of objection relate to:*

(i) there is a small stream (ditch) which runs along the east side of the ground that turns into a large stream after heavy rain. The pipe below the entrance to this ground is not large enough to take the volume of water and an overflow occurs on a regular basis. This overflow erodes the edges of the road, uplifts tar and deposits debris down to the bottom of the road.

It is noted that the Roads and Transportation Service does not object to the proposed development. It is considered that this issue could be addressed by the imposition of a condition on any consent granted to ensure adequate drainage is provided under the proposed site access point to address issues of surface water run-off.

(ii) the proposed development is not a refurbishment or a renovation, nor will the development have any agricultural benefit.

It is agreed that the proposed development is not justified on specific locational need or based on an agricultural justification.

4. Consultations Summary

SEPA

No response received.

POWER SYSTEMS

No response received.

HEAD OF ROADS & TRANSPORTATION

No objections subject to the imposition of conditions in any consent granted for the development.

SCOTTISH WATER

No objections.

NATS

No response received.

NEW CUMNOCK COMMUNITY COUNCIL

No response received.

5. Development Plan Summary

East Ayrshire Local Plan

Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances.

(i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or

(ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary, subject to a set of stated criteria being met, as follows;

- any proposed expansion of such a housing group being limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 17 below;

- any development requiring to be appropriate in terms of design to the particular location in which it is proposed;

- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and

- any development requiring to meet the standards required by all relevant public and statutory service providers.

(iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES18 below.

The proposed development does not fall under any of the above three categories of development and is therefore contrary to Policy RES 14.

6. Material Considerations

Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications)

Housing within Rural Diversification Areas :Policy RES10

The Council will be supportive of single or small scale residential developments within the Rural Diversification Area, as shown on the rural area map, where it can be demonstrated, to the satisfaction of the Council, that:

(i) the houses are required for the categories of development detailed in Policy RES9 above; or

The applicant has not indicated that the houses are required for any of the purposes listed in policy RES 9.

(ii) the proposed development would a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary in line with the provisions of Policy RES 11; or

The proposed development would not constitute an addition to four or more houses.

(iii) the proposed development comprises a residential unit in line with the provisions of Policy RES 12.

Given that the application site is not brownfield land, the proposed development does not meet with the provisions of policy RES 12.

Developments which do not meet any of the above criteria will not receive Council support.

The proposed development does not meet with the provisions of policy RES 10.

Consultation Responses

There are no consultation responses that would suggest refusal of the application is appropriate.

Representations

Policy considerations aside, there are no significant issues raised in the objections that would be considered of sufficient weight to merit refusal of the application.

7. Financial and Legal Implications

None.

8. Application Assessment

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 (2003).

As indicated above the proposed development is contrary to the provisions of the adopted local plan. In this case there are material considerations and the principal consideration is the Alteration to the East Ayrshire Local Plan. Again in this case, the proposed development is contrary to the policy provisions relating to Housing in the Countryside which presumes against residential development unless it meets specific criteria. In this case the proposal

fails to meet any of the criteria that would result in a presumption in favour of the proposed development. Given the current progress of the AEALP towards adoption, then the greater weight should be afforded to this material consideration in the determination of this application.

It is not considered that the representations are of sufficient weight to merit refusal of the application and there are no significant adverse comments received from consultees. While the layout and general design of the proposed dwellings are considered acceptable, the roof finish is not

9. Recommendation

Refused

10. Reasons for the Decision

The proposed development is contrary to the provisions of the development plan and there are no material considerations in respect of the proposal that would justify a departure from the development plan in this case. Indeed the principal material consideration in this case, being the Alteration to the East Ayrshire Local Plan, the proposal is also contrary to the provisions of that plan and significant weight can be attached to this consideration.

Case Officer :

Hugh Melvin

Signature:

Date: 07/09/10

Principal Planner:

25/9/10

Signature:

Date:

**Development Management
Manager :**

Signature:

Date: