

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 MARCH 2011

**10/0663/PP: ERECTION OF FOUR DWELLINGHOUSES
AT
TRABBOCH ROAD, STAIR, MAUCLINE**

BY MR STEPHEN SUTHERLAND, KRAIGLAND HOMES

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0663/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the erection of four dwellings with associated freestanding double garages to the rear and an access to each dwelling and garage coming off the Spierston Farm road at the rear of the dwellings. The frontage of the site will incorporate a 1.5 metre wide footpath and vehicle service layby and grass verge with a new hedge line created at the rear of these features. Access to the layby from each house will be provided by means of a footpath to allow bin collection.

1.2 The dwellings proposed are single storey in height and are to be finished externally in a white dry render and red facing brick with a slate roof and incorporating solar panels on the south faces of the roofs. The dwellings are based on two designs; however both will also be handed to produce four different house styles at the site. Each dwelling will be provided with a double garage at the rear of the site finished in materials to match the dwellings.

2. RECOMMENDATION

2.1 It is recommended that the application for Planning Permission be approved subject to the conditions on the attached sheet but that the issue of the decision notice be withheld until such time as a payment under Policy RES29, as detailed in Section 5.7 of the report, is received.

3. CONCLUSIONS

3.1 Sections 25 and 37(2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 As detailed in section 5 of the report, the proposal is considered to be in compliance with the key development plan policy, RES11, of the East Ayrshire Local Plan. Furthermore, the proposal is also compliant with the other relevant policies of the development plan.

3.3 The material considerations, with the exception of the objections, do not indicate that the application should be refused. Whilst the objections are noted, the points being raised contradict the terms of the development plan and the comments of the consultees in terms of road safety/impact and drainage arrangements. On this basis the objections do not carry sufficient weight to allow a refusal recommendation contrary to the terms of the development plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

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: 25 MARCH 2011

**10/0663/PP: ERECTION OF FOUR DWELLINGHOUSES
AT TRABBOCH ROAD, STAIR**

BY MR STEPHEN SUTHERLAND, KRAIGLAND HOMES

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for Planning Permission for consideration by the Southern Local Planning Committee under the scheme of delegation as the application is subject to more than 10 separate objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located in the rural area to the north east of Coalhall. The site measures approximately 8,800m² in area and utilises the corner of an agricultural field and access road to Spierston Farm. The site is relatively level with a hedge fronting the site with the B730 Drongan to Stair road. The site is bounded to the north by the C82 public road and dwellings across this road, agricultural ground to the west and south, and the site access to Spierston Farm and the residential property known as Ashdene to the east.

2.2 The application site lies adjacent to a small hamlet where the settlement grouping is split between both sides of the road with a run of four dwellings on the north side of the road which is continued in a linear manner on the south side of the road with three dwellings, a converted farm building and thereafter the farmhouse of Hunterston Farm.

2.3 **Proposed Development:** Planning permission is sought for the erection of four dwellings with associated freestanding double garages to the rear and an access to each dwelling and garage coming off the Spierston Farm road at the rear of the dwellings. The frontage of the site will incorporate a 1.5 metre wide footpath and vehicle service layby and grass verge with a new hedge line created at the rear of these features. Access to the layby from each house will be provided by means of a footpath to allow bin collection.

2.4 The dwellings proposed are single storey in height and are to be finished externally in a white dry render and red facing brick with a slate roof and incorporating solar panels on the south faces of the roofs. The dwellings are based on two designs; however both will also be handed to produce four different house styles at the site. Each dwelling will be provided with a double garage at the rear of the site finished in materials to match the dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan, Rankinston and Stair Community Council has yet to respond at the time of writing this report.

3.2 East Ayrshire Council Roads and Transportation Service has no objections to the proposed development subject to the conditions relating to visibility sightline standards, no surface water to discharge to the public road, ditch piping and footway kerbing specifications.

Conditions and appropriate notes can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Service.

3.3 Scottish Environment Protection Agency has no objection to the development subject to the provision of a planning condition relating to the disposal of surface water to the water environment being in accordance with the principles of the SUDS Manual (C697) and complying with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended).

A condition is not suitable in this instance as it would fail the tests for acceptable planning conditions set out in Circular 4/1998 as this requirement is addressed through separate legislation. However an appropriate note can be attached to any grant of consent to ensure the applicant is aware of his responsibilities under this legislation.

4. REPRESENTATIONS

4.1 The application has attracted representations from 16 individuals objecting to the proposed development. The main points of objection can be summarised as follows:

4.2 The development does not comply with the East Ayrshire local development plan.

The principle development plan policy against which this application requires to be assessed is Policy RES 11 of the adopted East Ayrshire Local Plan 2010 (EALP). This policy allows for limited extensions to existing, clearly defined groups of four or more houses not delineated by a formal settlement boundary within the Rural Diversification Area. Given that this grouping of dwellings falls within this definition it is considered that the proposal, in principle, complies with the policy provisions of the development plan. Further assessment against the provisions of the EALP is provided in Section 5 below.

4.3 There is no need for further isolated, sporadic housing development along this road.

As noted at 4.2 above, the proposed development complies with the development plan policy in principle. Given the location of this development opposite existing dwellings and adjacent to other existing dwellings, it cannot be described as isolated or sporadic development on this road.

4.4 The run off from the septic tanks will have an impact on the local water system and wildlife. Planning has already been granted at Spierston Farm which will add to the waste run off and increased flow to local burns.

SEPA has assessed the proposed development including further information submitted by the applicant relative to site drainage and has raised no objection on the basis of foul drainage of the site.

4.5 Planning consent already granted and the number of houses in the area that are vacant because they cannot be sold shows that no more houses are needed.

This is not a material consideration in the determination of the present application.

4.6 The area is rural and further development would take away from the character of the locale.

Whilst the general surrounding area is rural in nature, the application site is located within a loose cluster of dwellings and as such it is considered that the character of the area will not be significantly altered through the provision of four additional dwellings.

4.7 My house has an open outlook and I don't want to be looking out onto and directly into another property not do I want someone else invading my privacy.

The objector's view is not a material consideration. There will be no invasion of privacy of the objector's property given the nature of the house types proposed and the distance between the dwellings.

4.8 The road is busy enough without adding to the traffic on it. The narrow public road is unsuitable for further development.

The Roads and Transportation Service has no objection to the development on road safety or road capacity grounds.

4.9 Hedges would have to be removed to achieve sightlines.

The hedge fronting the site will require to be grubbed up and replanted or a new hedge planted given the service layby requirement. This allows sightlines to be achieved and a hedge line to be reinstated.

4.10 The layby is unsightly.

The provision of a layby to serve some rural residential developments is not unusual and is not considered to be out of place or unsightly.

4.11 Bins could be left at the layby should residents wish to do so. A layby should be placed at the rear of the development, not at the front of other people's properties.

The provision of the service layby is to allow for a safe off road stopping point for service vehicles and as such must be provided at the front of the development, immediately off the public road. The bins could be left out by residents at the layby however each property has easy access to the layby and as such is not considered likely that bins will be left out on a permanent basis.

4.12 There are no services at all so the grouping should not be enlarged. There are houses and land available in nearby villages where there are schools, shops etc which can be accessed there by bus or on foot.

The proposal is compliant with Policy RES 11 in principle therefore the provision of new dwellings at this location is acceptable.

4.13 Developing this site is not sustainable, as high car ownership and associated traffic movements will be required.

As noted at section 4.2 above, the proposal is compliant with the development plan. Given the rural area, high reliance on cars is

likely; however this is a situation that already exists within this grouping.

4.14 Effect on local flora and fauna.

The site is not protected in any way through nature designations and given the small size of the site at the corner of an agricultural field it is highly unlikely that any adverse impact would occur.

4.15 To get 10 objections in a sparsely populated area, taking into account that the applicants live in the area applied for, is not in the spirit of the regulations.

This number of representations received is not a material consideration in the determination of this application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan 2007 and the Adopted East Ayrshire Local Plan 2010 (EALP).

Approved Ayrshire Joint Structure Plan

5.2 Policy COMM 5 of the Ayrshire Joint Structure Plan advises that throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

The proposed development could be described as an infill site within the cluster given that there are dwellings adjacent to and opposite the site. It is therefore in compliance with this policy.

Adopted East Ayrshire Local Plan

5.3 Policy RES 10 of the East Ayrshire Local Plan states that 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:

- (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 in line with the provisions of Policy RES11; or

The principle of this development meets with the requirements of Policy RES 11 and is therefore compliant.

5.4 Policy RES11 advises that the Council will be supportive of a limited addition to existing, clearly defined groups of four or more houses not delineated by a formal settlement boundary, within the Rural Diversification Area as shown on the rural area map, where:

- (i) the total number of any new houses proposed in the particular grouping concerned at the end of the local plan period in 2017 does not exceed 50% of the total number of houses existing in that grouping as of the date of adoption of the local plan; and
- (ii) the total number of houses within the group, as expanded, does not exceed 15.

Any new housing development will require to be appropriate in terms of design to the particular location in which it is proposed, be sensitive to the design and layout of the particular existing group of buildings concerned and meet the standards required by all relevant public and statutory service providers or the provisions of the water supply regulations monitored by the Council. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the housing group concerned.

This is the key policy against which the proposal requires to be assessed. The application site is within the designated Rural Diversification Area and is located immediately adjacent to a group of nine dwellings which are not delineated by a formal settlement boundary. Given that the proposal is for four dwellings, this would be within the 50% limit required through criterion (i). Should consent be granted a total number of thirteen dwellings would exist in this group, also within the requirements of criterion (ii). On this basis the proposal is compliant, in principle, with this policy.

Notwithstanding this position, policy RES 11 also requires the development to be satisfactory in terms of design, location and service provision. Whilst the development is not a clear infill, there is no gap site within the grouping into which the development could

be placed. The grouping is split between both sides of the road with a run of four dwellings on the north side of the road which is continued in a linear manner on the south side of the road with three dwellings, a converted farm building and thereafter the farmhouse of Hunterston Farm. As the development is adjacent to and opposite other dwellings in the group it is considered that no linear expansion of the existing group is occurring and as such it complies with this element of the policy.

The design of the proposed dwellings is similar to that of the other dwellings in this group, being of single storey in nature and set back from the road front. The four dwellings, given the use of handing, will all have different designs with acceptable rural materials and as such will be commensurate with the adjacent dwellings.

5.5 Policy RES18 requires that developers of new houses in the countryside demonstrate successfully against certain criteria which include:

- (i). their proposed developments utilise innovative and energy efficient technologies to achieve particularly low / zero carbon emissions;
- (ii) their proposed developments are sited and orientated specifically to respect the natural topography of the proposed development site and to blend in with the landscape character and appearance of the area in which they are proposed;
- (iii) their proposed developments, any ancillary outbuildings, boundary treatments and access provision respect, reflect and complement, in their style and material finish, the particular local characteristics of the area in which they are proposed;

Developments which are unduly visually prominent or which undermine the identity of the rural area in which they are proposed will not be considered acceptable to the Council.

The applicant has advised on the site layout drawing that the dwellings will better the current 'U' value standards and as such the proposal is considered to meet with criterion (i). The four dwellings sit within an existing group and are not unduly visually prominent which meets with criterion (ii). Whilst the use of rear double garages and rear access to the dwellings is not the standard characteristic of this group it is not considered to be of such a significant change as to undermine the identity of the group.

5.6 Policy RES26 relates to the provision of appropriate levels of garden ground for each dwelling.

Sufficient provision of private open space has been allocated to each dwelling.

5.7 Policy RES29 requires that a developer of four or more houses pays a financial contribution to provide or improve community facilities.

In this instance a contribution of £552 would be the sum required under the terms of this policy. The applicant has stated that he is prepared to pay the required sum by means of an upfront payment upon any grant of planning consent. Any consent granted should therefore be withheld until such times as this sum has been paid to the Council.

5.8 Policy ENV 9 relates to the Councils Design Guidance standards and in this case relates specifically to residential development in the countryside.

The proposal is considered to meet with the Councils Design Guidance.

5.9 Policy ENV 16 relates to the impact of development in the rural area and requires that development is in keeping with, has minimal visual impact and reflects the nature and landscape character of the rural area and is sensitively sited and landscaped.

As noted above, it is considered that the proposal will be in keeping with the surrounding properties and will not adversely impact on the rural area or the general landscape in any adverse manner.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the impact on visual amenity, the letters of objection and the planning history.

Consultation Responses

6.2 The submissions detailed in Section 3 of this report do not raise any issues that warrant refusal of the application.

Impact on Amenity

6.3 The four proposed dwellings will be located adjacent to and opposite existing dwellings within this small group of houses and are therefore consistent with the surrounding uses and create minimal visual impact. The design and

position of the dwellings means that little or no adverse impact on residential amenity will occur through overlooking etc. On this basis it is considered that there will be no adverse impact on amenity in the surrounding area.

Letters of objection

6.4 The letters of objection predominantly relate to the principle of the development, drainage arrangements and access/roads issues. The principle of the development has been found to be acceptable under the terms of the development plan which allows for up to 50% extension to loose groupings of dwellings within the Rural Protection Area. The comments of SEPA and the Roads and Transportation Service contradict those of the objectors on drainage and road safety respectively, therefore the points raised by the objectors on both of these matters should carry minimal weighting.

Planning history

6.5 Planning application 09/0361/FL for the conversion of derelict farm buildings to form four dwellinghouses and garages was approved with conditions on 23 September 2010. The access to this site at Spierston Farm runs through the eastern portion of the application site and indeed the access/exit for the development is shared with the access/exit to Spierston.

6.6 It should be noted that a further planning application has been lodged subsequent to the current application, (Reference No.10/0898/PP), for a change of use from agricultural land to plots for two energy efficient dwellinghouses on land at Hunterston, Trabboch. That application has also attracted a significant number of objections and will be presented for determination by this committee at a future date.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 As detailed in section 5 of the report, the proposal is considered to be in compliance with the key development plan policy, RES11, of the East Ayrshire Local Plan. Furthermore, the proposal is also compliant with the other relevant policies of the development plan.

8.3 The material considerations, with the exception of the objections, do not indicate that the application should be refused. Whilst the objections are noted, the points being raised contradict the terms of the development plan and the comments of the consultees in terms of road safety/impact and drainage arrangements. On this basis the objections do not carry sufficient weight to allow a refusal recommendation contrary to the terms of the development plan.

9. RECOMMENDATION

9.1 It is recommended that the application for Planning Permission be approved subject to the conditions on the attached sheet but that the issue of the decision notice be withheld until such time as a payment under Policy RES29, as detailed in Section 5.7 of the report, is received.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

DW/HM

15 March 2011

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans/drainage report.
2. Statutory Letters/Certificates.
3. Consultation Responses
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Letters of Representation.
7. Planning applications 09/0361/FL and 10/0898/PP.

Anyone wishing to inspect the above papers please contact David Wilson, Acting Senior Planning Officer on 01563 576779.

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0663/PP

Site of Proposal: TRABBOCH ROAD,
STAIR

Nature of Proposal: ERECTION OF FOUR DWELLINGHOUSES

Name & Address of Applicant: MR STEPHEN SUTHERLAND,
KRAIGLAND HOMES

DPO's Reference: David Wilson

The application for Planning Permission should be granted subject to the following conditions:

1. The service layby, footpath provision and private access road as shown on approved drawing TR.1A shall be constructed and brought into operation prior to the occupation of any of the proposed dwellinghouses hereby approved.

Reason: To ensure that safe access and servicing arrangements are in place to serve the development.

2. Sightline standards of x=2.5 metres and y=215 metres shall be provided at the egress of the site with the C82 public road prior to the occupation of any dwellinghouse and shall thereafter be maintained whilst the dwellinghouses remain in use.

Reason: To ensure that appropriate visibility standards are provided at the site exit thereby maintaining road safety.

3. Notwithstanding the plans hereby approved, details of all boundary treatments and gates within the site including position and height and, where appropriate, species shall be submitted for the written approval of the Planning Authority prior to the commencement of development on site and shall thereafter be implemented on site as approved prior to the occupation of any dwelling.

Reason: To ensure that boundary treatments are commensurate with the rural area in which they are located thereby maintaining the visual amenity of the area.

4. Notwithstanding the plans hereby approved, details and a sample of the proposed external materials of the dwellings and garages including solar panels and the proposed external surface treatments, shall be submitted for the written approval of the Planning Authority prior to the commencement of development on site and shall thereafter be implemented on site as approved prior to the occupation of the first dwellinghouse.

Reason: To ensure that the external construction materials are commensurate with the rural area in which they are located thereby maintaining the visual amenity of the area.

5. Notwithstanding the plans and details hereby approved, the final drainage treatment arrangements for both foul and surface water shall be provided for the written approval of the Planning Authority prior to the commencement of development on site and shall thereafter be implemented on site as approved prior to the occupation of the first dwellinghouse.

Reason: To ensure that finalised drainage arrangements for the site are adequate.

6. The double garages hereby approved shall be used solely for purposes incidental to the residential use of the corresponding dwellinghouse and at no time shall the garages be used for any commercial activity unless a further planning application is submitted to and approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and to prevent the establishment of commercial uses in the area which are not commensurate with the surrounding rural or residential uses.

7. No surface water shall discharge from the application site onto the adjacent public road.

Reason: To ensure that road safety on the C82 public road is maintained.

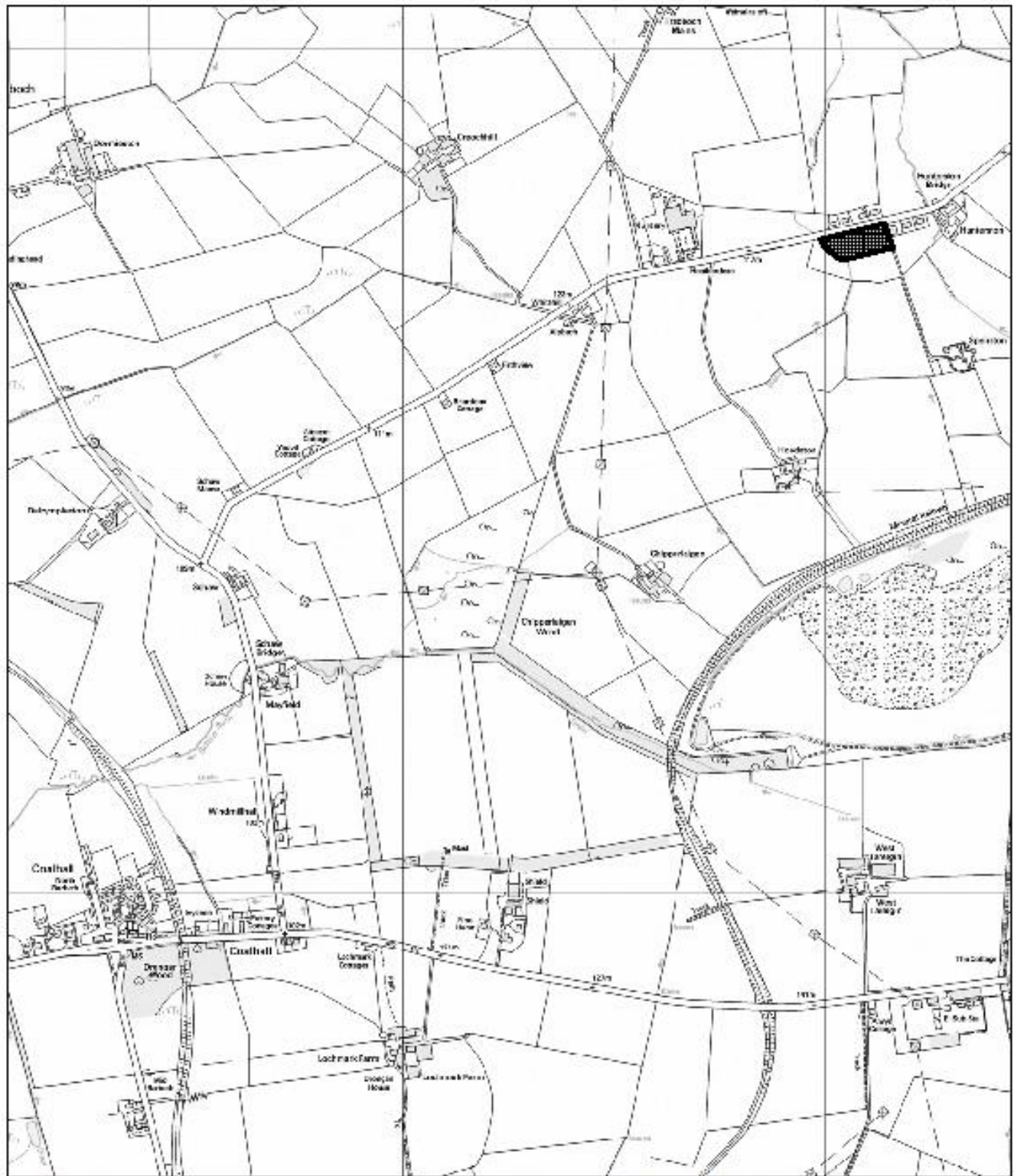
Notes



1. The applicant is advised to note that the existing ditch should be piped to the satisfaction of the Councils Roads Division.
2. All footway and kerbing works shall be provided to a specification acceptable to the Councils Roads and Transportation Service.

3. The disposal of surface water to the water environment should be undertaken in accordance with the principles of the SUDS Manual (C697) and comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended).

Reason for the Decision

The proposed development is consistent with the Development Plan and the material considerations do not, on balance, indicate that refusal would be appropriate.



<p>Title/Location Trabboch Road</p> <p> Stair</p> <p> Application No. 10/0663/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 25/03/2011</p> <div style="text-align: right;">  </div>
<p>Key</p> <div style="display: flex; align-items: center;">  <p>Application Site</p> </div>	

This map is reproduced from the Ordnance Survey material with permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office(C) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 100023409.