

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2010

**09/0739/PP: SUBDIVISION OF FORMER SCHOOL PLAYGROUND TO FORM
HOUSE PLOT AND ERECTION OF DWELLINGHOUSE
ON LAND ADJACENT TO LITTLEMILL SCHOOL, RANKINSTON**

APPLICATION BY MR. AND MRS. J. MCCAIG

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the change of use of part of the school playground associated with Littlemill Primary School to form a residential plot and for the erection of a one and a half storey dwellinghouse on the site. The proposed five apartment dwellinghouse will have two small traditional style dormers on the front elevation and the external finishes will include slate equivalent roof tiles and rendered external walls incorporating smooth cement bands around windows and at basecourse level.

1.2 This application has been made by the owner of the former Littlemill Schoolhouse, now demolished and that site is the subject of an excambion agreement between the Council and the owner of the former schoolhouse site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of 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 is indicated at Section 6 of the report, there are material considerations relevant to this application which are supportive of the proposed development.

3.2 In terms of the Alteration to the Local Plan, it is considered that the proposal is broadly in accordance with RES15, which allows for replacement houses in the countryside; therefore the proposal can be considered to be consistent with the Alteration. As there are no objections to RES15 of the Alteration to the Local Plan, it is considered that greater weight should be given to the Alteration in the determination of this particular application.

3.3 The associated demolition of the former schoolhouse and the resultant exchange of land with the applicant will facilitate overall improvements to the educational resource at Littlemill Primary School and will result in a general improvement in the visual amenity of this rural location. The replacement dwellinghouse is considered to be acceptable in terms of scale, layout and use of finishing materials.

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 the Full 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: 26 MARCH 2010

09/0739/PP: SUBDIVISION OF FORMER SCHOOL PLAYGROUND TO FORM
HOUSE PLOT AND ERECTION OF DWELLINGHOUSE
ON LAND ADJACENT TO LITTLEMILL SCHOOL, RANKINSTON

APPLICATION BY MR. AND MRS. J. MCCAIG

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 which is to be considered by the Local Planning Committee under the scheme of delegation because the Council has an ownership interest in the site.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the east side of Littlemill Road leading to the small community of Rankinston and lies approximately 240 metres south of Littlemill Bridge and 410 metres north of Rankinston itself. The site relates to part of the existing school playground associated with Littlemill Primary School and the site extends to an area of approximately 650 m². The frontage of the site is lined with some trees and shrubs although these are not of any significant amenity value. The land is relatively flat although it rises gradually from north to south.

2.2 **Proposed Development:** Planning permission is sought for the change of use of part of the school playground associated with Littlemill Primary School to form a residential plot and for the erection of a one and a half storey dwellinghouse on the site. The proposed five apartment dwellinghouse will have two small traditional style dormers on the front elevation and the external finishes will include slate equivalent roof tiles and rendered external walls incorporating smooth cement bands around windows and at basecourse level.

2.3 This application has been made by the owner of the former Littlemill Schoolhouse, now demolished and that site is the subject of an excambion agreement between the Council and the owner of the former schoolhouse site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power Energy Networks, Scotland Gas Networks and Scottish Water have no objections to the application.

3.2 Drongan, Rankinston and Stair Community Council has not responded to the letter of consultation.

3.3 East Ayrshire Asset Management and Legal Services Divisions have not raised any issues regarding the application.

3.4 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

- (i) Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads Department standards. The applicant must contact the Roads Department for further details/specification and a Road Opening Permit will be required.
- (ii) Any re-location of street furniture required as a result of the development will be at the applicant's expense. It is recommended that the lit road sign be moved approximately 8m north of its current position to avoid damage during house building operations and ease future access to and from the site. Any damage to the sign assembly will require to be made good by the applicant.
- (iii) Two off road car parking spaces are required within the plot and an internal car turning area must be provided. It is recommended that the driveway is extended up the north side of the house to ensure that the turning area is available to allow vehicles to enter and leave the plot in forward gear. This would also allow future construction of a garage and additional off road parking for visitors.
- (iv) Visibility splays of 2.5m by 90m are required at the access onto the public road with no object over 1m in height within the splay areas formed. Pedestrian visibility splays at the rear of the footway of 2m by 2m with no object over 0.6m must also be provided to ensure safety of children accessing the adjacent school.

The Division further states that during the construction of the house the developer must take cognisance of the use of the footway by children going to the adjacent school and ensure safe working practices (unobstructed footway, banksmen for vehicles etc.) are employed at all times.

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

4. REPRESENTATIONS

4.1 No third party representations have been received.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy COMM5 (Housing in the Countryside) states 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 proposed site, on part of the playground of Littlemill Primary school is within the rural area, but does not meet any of the criteria listed in this policy.

East Ayrshire Local Plan

5.3 The Council will, through Policy SD6, positively encourage the re-use and redevelopment of brownfield land, both in the area settlements and in the rural area, in preference to the development of greenfield sites. The release of greenfield land development will require to be fully justified and will be supported only where an alternative, developable brownfield site is not readily available, marketable or capable of development for the purposes envisaged.

The house is proposed on the site of the existing Littlemill Primary School playground, so is considered to constitute brownfield land. Whilst this is preferable to the development of greenfield land, the proposal still requires to meet the provisions of all other relevant local plan policies.

5.4 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area in certain stated circumstances.

The proposed development is not justified in relation to the criteria set out in policy RES14.

5.5 Policy RES22 states that developers will be required to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

The plans submitted show the proposed garden size to comfortably meet the requirements of Schedule 4 of the Local Plan.

The proposed development is contrary to the approved Structure Plan and the adopted local plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Alteration to the East Ayrshire Local Plan

6.1 Policy SD5 states that development proposals outwith settlement boundaries, as indicated on the Local Plan Rural Area Map, will be acceptable to the Council in five stated circumstances, one of which is relevant to this application:

- (i) where the development comprises an acceptable form of residential development in accord with Policies RES9 and RES10 of the local plan

See assessment against Policy RES10 below.

6.2 The Council will, through Policy SD6, subject to the compliance with all other appropriate local plan policies, positively encourage the re-use and redevelopment of brownfield land, both in the area settlements and in countryside areas, in preference to the development of greenfield sites.

The dwellinghouse is proposed on part of the existing Littlemill Primary School playground, so is considered to constitute brownfield land. Whilst this is preferable to the development of greenfield land, the proposal still requires to meet the provisions of all other relevant local plan policies.

6.3 Through 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, amongst other things, that:

- (i) the houses are required for the categories of development detailed in Policy RES9

Criterion (ii) of RES9 allows for replacement housing in line with Policy RES15. See response to RES15 below.

6.4 As stated in Policy RES15, the Council will be supportive of the replacement of houses in the countryside, both within the Settlement Protection Areas and the Rural Diversification Areas as shown on the rural area map, where the proposed houses:

- (i) replace existing, run down, inhabited dwellings; or
- (ii) replace existing, run down dwellings which have been unoccupied for a period of less than 5 years;
- (iii) replace existing houses which are not habitable due to accidental fire, flood or other similar damage.

In all cases, applicants will require to demonstrate conclusively that the buildings concerned fail to meet Tolerable Standards and cannot economically be brought up to habitable standards through restoration or repair. Applicants should also ensure that the proposed replacement dwellings are of a similar size and scale

as the buildings being replaced and that the siting, design and material finish of the dwellings respect the character and appearance of the area within which they are proposed. Any replacement housing will require to be constructed on the site of the existing houses being replaced unless it can be demonstrated that there are ground stability or flooding problems relating to those locations. In such cases, the replacement dwellings should, subject to the compliance of other local plan policies, be located as close as possible to the existing dwellings being replaced. Proposals for replacement developments which do not meet the above criteria will not be considered acceptable to the Council.

The proposed dwelling house is intended to replace the former Littlemill Primary Schoolhouse, which was recently demolished due to the dangerous and dilapidated condition of the building. The proposed dwelling is considered to be similar in terms of size and scale to the original property. Whilst the proposed house is not on the same plot as the previous house, it is in very close proximity to it. The proposed position of the replacement dwelling is considered appropriate in the context of Littlemill Primary School, as it will allow the whole of the playground to be re-organised into one consolidated area adjacent to the school building. If the replacement dwelling was to be sited on the location of the original dwelling, the new house would effectively separate the playground from the school itself, as was the case with the former schoolhouse, which would be not be ideal for the school and its pupils.

6.5 Policy RES19 states that where a new residential development in the countryside is considered acceptable in terms of other residential policies of the local plan, the Council will require applicants, in the first instance;

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; or, if this is not possible,
- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

Wherever possible, any proposals for individual new houses in the countryside will be required to consolidate and compliment existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

The proposed location of the dwelling on the existing school playground is considered to represent a brownfield site. It is considered that these are no alternative buildings capable of being brought into residential use in the immediate vicinity of the proposed site, therefore the proposal is broadly acceptable in terms of this policy.

In terms of the Alteration to the Local Plan, it is considered that the proposal is broadly in accordance with RES15, which allows for replacement houses in the countryside, therefore the proposal can be considered to be in line with the Alteration. As there are no

objections to RES15 of the Alteration to the Local Plan, it is considered that greater weight should be given to the Alteration than to the Adopted Local Plan, in the determination of this particular application.

Consultations

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

Planning History

6.7 Although there is no planning history associated with the present application site, a retrospective planning application by East Ayrshire Council for the demolition of the former Littlemill Schoolhouse was approved by the Southern Local Planning Committee on 27 November 2009 (Ref. No. 09/0509/PP).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council has an ownership interest in the site and at present the Legal Section is engaged in an excambion agreement whereby, in exchange for the acquisition of the site of the former schoolhouse, the Council has agreed to grant title to the present application site to the current owner of the schoolhouse site (the applicant) and therefore financial implications have arisen through the implementation of the previously approved demolition works and legal implications will arise in the completion of the excambion agreement.

7.2 Although the Council has an interest in this development, should the Local Committee be minded to approve this application, it will not require to be referred to the Scottish Ministers in terms of The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 as the proposal does not represent a significant departure from the development plan.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of 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 is indicated at Section 6 of the report, there are material considerations relevant to this application which are supportive of the proposed development.

8.2 In terms of the Alteration to the Local Plan, it is considered that the proposal is broadly in accordance with RES15, which allows for replacement houses in the countryside; therefore the proposal can be considered to be consistent with the Alteration. As there are no objections to RES15 of the Alteration to the Local Plan, it is considered that greater weight should be given to the Alteration in the determination of this particular application.

8.3 The associated demolition of the former schoolhouse and the resultant exchange of land with the applicant will facilitate overall improvements to the educational resource at Littlemill Primary School and will result in a general improvement in the visual amenity of this rural location. The replacement dwellinghouse is considered to be acceptable in terms of scale, layout and use of finishing materials.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

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 the Full Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

12 March 2010
HM/KW

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Approved Ayrshire Joint Structure Plan (1999).
5. Adopted East Ayrshire Local Plan (2003).
6. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications 2009)
7. Previous Application 09/0509/PP.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0739/PP

Location	Land Adjacent To Littlemill School Rankinston KA6 7HJ
Nature of Proposal:	Subdivision of former school playground to form house plot and erection of dwelling house
Name and Address of Applicant:	Mr And Mrs J McCaig 3 Farm Road Ayr KA3 9ST
Name and Address of Agent	Stuart MacGill 21 Lember Drive Clarkston Glasgow G76 7NQ

Officer's Ref: Hugh Melvin
01563 555481

The above planning permission application should be granted subject to the following conditions.

1. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Division standards.

Reason: In the interests of public road safety.

2. Any re-location of street furniture required as a result of the development shall be at the applicant's expense. The existing lit road sign shall be moved approximately 8m north of its current position to avoid damage during house building operations and ease future access to and from the site. Any damage to the sign assembly will require to be made good by the applicant.

Reason: In the interests of public road safety

3. Two off road car parking spaces shall be provided within the plot together with an internal car turning area to allow vehicles to enter and leave the site in forward gear. The parking spaces and turning area shall thereafter be maintained in perpetuity within the site.

Reason: In the interests of public road safety and residential amenity.

4. Visibility splays of 2.5 metres by 90 metres shall be formed at the access onto the public road with no object over 1m in height within the splay areas formed. Pedestrian visibility splays at the rear of the footway of 2 metres by 2 metres with no object over 0.6m shall also be provided to ensure safety of children accessing the adjacent school.

Reason: In the interests of public road safety and pedestrian safety.

5. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority, details of the materials to be used in the roof and wall finishes of the proposed dwellinghouse. The roof shall either be finished in natural slate or a good quality, slate substitute.

Reason: In the interests of visual and rural amenity.

6. All waste to be removed from the site (demolition, construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

Reason: In the interests of public health and safety.

Notes to Applicant

1 (a) The applicant should make early contact with the Council's Roads and Transportation Division regarding the need for a Road Opening Permit. The Division can be contacted on 01563 555337.

(b) With regard to Condition 3, the Division recommends that the driveway is extended up the north side of the house to ensure that the turning area is available to allow vehicles to enter and leave the plot in forward gear. This would also allow future construction of a garage and additional off road parking for visitors.

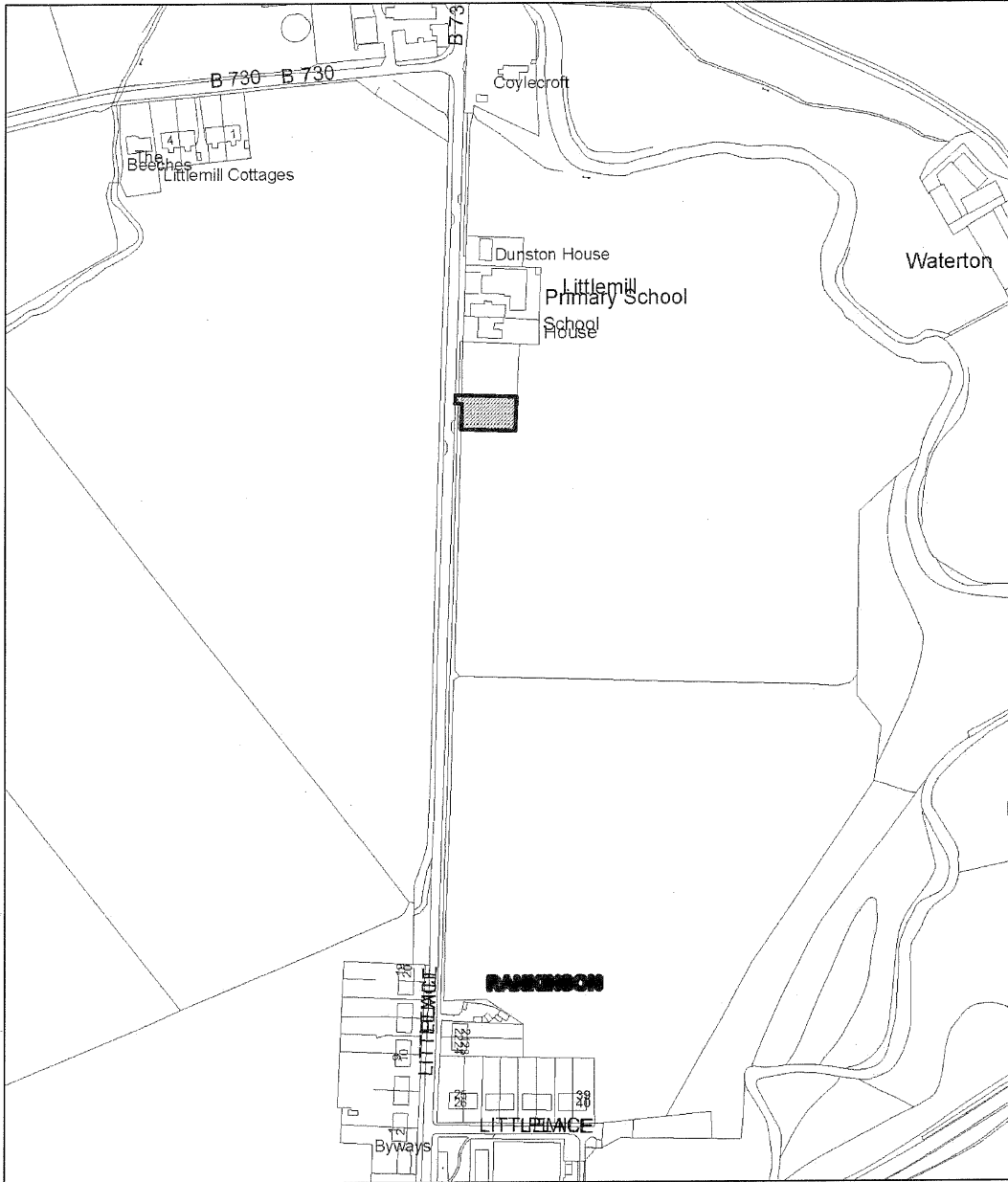
(c) The Division further states that during the construction of the house the developer must take cognisance of the use of the footway by children going to the adjacent school and ensure safe working practices (unobstructed footway, banksmen for vehicles etc.) are employed at all times.



2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm and agree the details of a proposed Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

The Council has granted this consent for the following reason(s):

The proposed development is contrary to the existing development plan but the material considerations in respect of this development, particularly the Alteration to the East Ayrshire Local Plan and the planning history, would suggest that approval of the application, as a departure from the development plan, is justified in this instance. The proposed dwellinghouse is considered to be acceptable in terms of its scale, layout, design and use of finishing materials.



<p>Title/Location Land Adj to Littlemill School</p> <p> Rankinston</p> <p> Application No. 09/0739/PP</p>	<p>East Ayrshire Council</p> <p>Planning & Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 26/3/2010 Checked By</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 Stationery Office (C) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 10/0023403