

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 02 SEPTEMBER 2011**

### **11/0278/PP: ERECTION OF TWO DWELLINGHOUSES AT LOUDONSTON, NEAR STAIR**

**BY MR J SLOAN**

#### **Report by Head of Planning and Economic Development**

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0278/PP>

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Planning permission is sought for the erection of two dwellings with associated garden ground. The dwellings proposed are one and a half storey in height and are to be finished externally with an off white render finish and cedar cladding detailing with a reclaimed slate roof and incorporating solar panels (on the south face of one of the house roofs) and dormers in the roof space. The dwellings are based on one similar design. The rear of Plot 2 is massed at a higher level than the front but this raises no issues of design in terms of the visual balance of the building. Three parking spaces are provided at Plot 2 and two at Plot 1. Both houses are set back by some 16 metres from the existing roadway.

#### **2. RECOMMENDATION**

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

#### **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 in the main 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. On this basis the objections do not carry sufficient weight to allow a refusal recommendation contrary to the policy provisions 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.**

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BY MR J SLOAN

#### 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 between Stair and Coalhall , just off the B730. Loudonston is a small hamlet of 5 houses all located on the southern side of the road. As a small settlement of then only three houses, Loudonstone is mapped on the 1896 Ordnance Survey series, and was then adjacent to Trabboch Colliery. These early houses remained until the early 1970's when two more were added. Trabboch House, originally the Trabboch Colliery owner's house is a C listed building, some 500 metres to the west of Loudonston.

2.2 The site measures approximately 2,760 sq metres in area and is proposed on a site across the road from the existing dwellings. The site is open currently agricultural ground.

2.3 **Proposed Development:** Planning permission is sought for the erection of two dwellings with associated garden ground. The dwellings proposed are one and a half storey in height and are to be finished externally with an off white render finish and cedar cladding detailing with a reclaimed slate roof and incorporating solar panels (on the south face of one of the house roofs) and dormers in the roof space. The dwellings are based on one similar design. The rear of Plot 2 is massed at a higher level than the front but this raises no issues of design in terms of the visual balance of the building. Three parking spaces are provided at Plot 2 and two at Plot 1. Both houses are set back by some 16 metres from the existing roadway.

### 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 Roads and Transportation Service has no objections.

### 4. REPRESENTATIONS

4.1 The application has attracted representations from 20 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 RES11 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 The site is greenfield or agricultural land and should not be developed prior to any brownfield sites, or any possible conversions in the area.

***As noted at 4.2 above, the proposed development complies with the development plan policy in principle under RES11. Had there been any brownfield sites in close proximity that were able to be used for development, this element could have been explored in more depth, however, there are none. By virtue of RES11, the development is fundamentally in accordance with the EALP, as RES11 is one of the policies in the plan whereby limited development in the rural area is considered acceptable.***

4.4 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 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 cluster of dwellings and as such it is considered that the character of the area will not be significantly altered through the provision of two additional dwellings.***

4.5 My house has an open outlook and I will lose this.

***This not a material consideration in the determination of this application.***

4.6 The road is busy enough without adding to the traffic on it. The narrow public road is unsuitable for further development. The site is located on a bad bend in the road.

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

4.7 Hedges would have to be removed to achieve sightlines.

***There will be a section of hedge removed to create an access into the site and it is noted that a single shared access is proposed, limiting the length of hedging that would require to be removed.***

4.8 Services are very limited in the vicinity so the grouping should not be enlarged. There are houses and land available in nearby towns and villages where there are schools, shops etc which can be accessed there by bus or on foot.

***The proposal is compliant with Policy RES11 in principle therefore the provision of new dwellings at this location is acceptable.***

4.9 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.***

4.10 There may be effects of the proposal on local flora and fauna.

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

4.11 There is no mention in the description of change of use from agricultural land to residential. The proposal would lead to a loss of good agricultural land.

***Whilst there is no specific mention in the description of the change of use as such, it is inherently obvious that the use of the land would change if houses were built on it. The land, however, is categorised as 'good quality locally important' agricultural land, but as noted at section 4.2, above, the principle of the development is in accordance with the EALP.***

## **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 COMM5 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 not be described as any of the above categories. It is therefore not strictly in compliance with the criteria of this policy, however, the development is in line with Policy RES11, which is one of the local plan policies the Council has developed where various types of residential development in the countryside would be considered acceptable. RES11, with the rest of the EALP, has been examined by the Reporters to the Scottish Ministers prior to the adoption of the plan in 2010.***

### Adopted East Ayrshire Local Plan

5.3 Policy RES10 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 five dwellings which are not delineated by a formal settlement boundary. Given that the proposal is for two dwellings, this would be within the 50% limit required through criterion (i). Should consent be granted a total number of seven 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 RES11 also requires the development to be satisfactory in terms of design, location and service provision. Whilst the development is not an infill site, there is no gap site within the grouping into which the development could be placed. The grouping is a run of five dwellings on the south side of the road. As the development is 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 with some utilisation of the roofspace via dormers or roof lights, and being set back from the road front. The two dwellings are a mix of contemporary (cedar cladding) and traditional materials (render) and whilst not the same as those in the rest of the group, (two of which***

***are over 100 years old, and the other three which are 1960's / 1970's design) the proposed houses will not appear incongruous in this setting.***

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; and
- (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 drawings that the dwellings will be low / carbon neutral and as such the proposal is considered to meet with criterion (i). The two dwellings sit within across the road from the existing group and the indicated roof pitches and single storey (with dormers) will minimise the impact of the dwellings, which generally meets with criterion (ii). However, the plots are proposed at the crest of the small hill. The land rises more steeply from the B730, and the houses would not be viewed particularly prominently from the eastwards direction. Westwards, from the B742, the houses will, however, appear on the skyline.***

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 ENV9 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 generally with the Council's Design Guidance.***

5.8 Policy ENV16 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 significant 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 and the letters of representation.

### 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 proposed dwellings will be located 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, however, the houses across the road will have their views obscured, albeit this is not a material planning consideration.

### Letters of Representation

6.4 The letters of objection predominantly relate to the principle of the development, access/roads and services 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 Roads and Transportation Service contradict those of the objectors on road safety and road capacity and therefore the points raised by the objectors on both of these matters should carry minimal weighting.

## **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 in the main 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. On this basis the objections do not carry sufficient weight to allow a refusal recommendation contrary to the policy provisions of the development plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions 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 Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

MF/RH

25 August 2011

FV/HM

## LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultation Responses
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Letters of Representation.

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer on 01563 576779.

***Implementation Officer: Hugh Melvin***

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 11/0278/PP**

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Site of Proposal: PROPOSED HOUSING DEVELOPMENT  
C116 LOUDONSTON FROM B730 TO SOUTH  
AYRSHIRE BOUNDARY, LOUDONSTON, STAIR,  
EAST AYRSHIRE

Nature of Proposal: ERECTION OF TWO DWELLINGHOUSES

Name & Address of Applicant: MR J SLOAN, DORMIESTON FARM, TRABBOCH,  
MAUCHLINE, KA5 5HU

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DPO's Reference: Marion Fergusson  
(01563) 576769

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. 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.

3. Notwithstanding the plans hereby approved, details and a sample of the proposed external finishing 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.

4. 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.


#### Advisory Note

1. 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      <b>Proposed Housing Development, Loudonston, STAIR Application No. 11/0278/PP</b></p>	<p><b>East Ayrshire Council</b> Department of Neighbourhood Services Planning &amp; Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790      Fax: (01563) 554592 E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a> <b>Com Date: 2/9/2011</b></p>	
<p>Key</p> <p> <b>Application Site</b></p>		

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**Proposed addition of 2 No. dwelling houses to existing undivided grouping.**

**Mr Sloan**  
Dormiston farm  
Trabboch

OS Grid Ref: **TD00 9011** scale: 1:50 1:100  
Revision: 3 made: **December 2011**  
Drawn by/checked by: **MS**

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