

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 28TH JUNE 2005

DEVELOPMENT CONTROL – NUMBER OF DWELLINGS PERMITTED OFF A PRIVATE ACCESS

Report by Executive Director of Development and Property Services

1 PURPOSE OF REPORT

- 1.1 To seek the Committees approval for an amendment to the Council's Roads Development Guide to permit a relaxation in the number of dwellings served by a private access in a rural situation to be increased from 2 to 5, in certain situations.

2 BACKGROUND

- 2.1 Shortly after the implementation of local Government Reorganisation in 1996, East Ayrshire Council adopted the former Strathclyde Regional Councils Roads Development Guide which enables new development roads to planned, designed and constructed to a standard suitable for adoption by the council.

It also sets out criteria to minimise the risk of future accidents, provide an acceptable environment and reduce the future maintenance liability of the Council.

- 2.2 Section 2.37 in the Policy and Procedures chapter of the Roads Development Guide states:

“3 or more individual dwellings must be served by a road which will require Construction Consent and the submission of a road bond in a residential area (see paragraph 2.5.10). Less than 3 dwellings (this can be increased to 5 in a brownfield or gap site and 20 in a Housing Court (see Section 4.7) will be served by a private access which, as there is no right of public access, will not require Construction Consent and will not be available for adoption.”

- 2.3 It is important to make the distinction between roads and private accesses. Roads have a public right of passage whereas private accesses are controlled by the owner(s) and there is no public right of passage. Public Roads are those which are maintained by the Roads Authority and are on the List of Public Roads

- 2.4** Under the Roads (Scotland) Act 1984, all new roads, whether or not offered for adoption, must receive Construction Consent from the Roads Authority. This is only granted where road proposals meet the Roads Authorities standards. In East Ayrshire, policy and standards are as described in the Roads Development Guide.
- 2.5** The Construction Consent requirement was intended to halt the construction of sub-standard roads and, over a period of time, reduce the number of poorly maintained and unadopted roads. Beneficiaries would be the public at large and buyers of new private houses in particular.

The original concept for limiting dwellings to 2 off a private access in Greenfield sites was to control development off a substandard access which would have traffic safety implications for occupants, visitors, service vehicles and road users if further piecemeal development was allowed. There was also the possibility that public pressure groups could force maintenance responsibilities onto the Council at a future date.

- 2.6** Developers, however, often object to the demand that they provide a road to the Local Authority standards for as few as 3 houses.

3 PROPOSAL

- 3.1** While it is not the intention to make a major change to the policy with respect to the number of dwellings permitted off private accesses, it is considered to be too rigid in certain situations within the rural environment.
- 3.2** This is particularly in view of East Ayrshire's Planning Policy, which is to encourage employment in rural areas through new development. A relaxation in the number of dwellings permitted off private accesses could be perceived as a means to encourage the policy.
- 3.3** It should be emphasised that there is no intention to change the criteria in the urban environment.
- 3.4** There are two situations where it is considered that a relaxation would be beneficial. These are:

a) **LOWLAND CROFTS**

Located outwith settlement boundaries, lowland crofts comprise individual plots formed by dividing up land previously used for agricultural purposes. Planning consent can be given for the erection of one dwelling per plot. Applications have been received for 2 lowland croft developments in the South of East Ayrshire, which propose private accesses to serve a number of individual

plots.

To insist on formal roads being built in accordance with the Roads Development guide would affect the viability of the Crofting concept, and may not be desirable from an environmental viewpoint.

b) **PERMITTED NUMBER OF DWELLINGS SERVED BY A PRIVATE ACCESS**

The current permitted limit of 2 dwellings per private access can prevent the redevelopment of farm steadings or preclude the erection of a house for an additional employee.

In many cases, farm access roads are constructed to a reasonable standard but to insist that they be upgraded to Construction Consent standard may be inappropriate and uneconomic.

- 3.5** It is proposed, in these special cases only, to increase the number of dwellings permitted off a private access in a rural situation to 5.

4 AMENDMENT TO ROADS DEVELOPMENT GUIDE

- 4.1** It is proposed to delete the current wording of paragraph 2.3.7 This will be replaced with a new paragraph 2.3.7 and additional paragraphs 2.3.8, 2.3.9 and 2.3.10 to cover the proposed amendments:-

***Section 2.3.7 Provision of Roads in Urban Areas
(within settlement boundaries as defined within the current East Ayrshire Local Plan)***

3 or more individual dwellings must be served by a road which will require Construction Consent and the submission of a Road Bond in a residential area (see paragraph 2.5.10). Less than 3 dwellings will be served by a private access which, as there is no right of public access, will not require Construction Consent and will not be available for adoption.

On a brownfield site (as defined within the East Ayrshire Local Plan), up to 5 individual dwellings may be acceptable via a private access providing access to the public road and servicing arrangements are acceptable in terms of road safety.

***Section 2.3.8 Provision of Roads in Rural Areas
(outwith settlement boundaries as defined within the current East Ayrshire Local Plan)***

A development of 3 or more individual dwellings in a rural area greenfield site (as defined within the East Ayrshire Local Plan), where a new access is

being formed onto the public road system, must comply with section 4.8 of the Roads Development Guide 1996 and must be served by a road which will require Construction Consent and the submission of a Road Bond.

However, up to five individual dwellinghouses (comprising existing and proposed dwellings) and redevelopment of farm steadings etc. may be served off an existing private access road providing the private access road is constructed to a standard acceptable to the Roads/Planning Authority.

The standard allowed would generally be less onerous than those required to bring the road up to an adoptable public road standard and therefore the access road would remain a private access.

In the interests of road safety, the Roads Department will determine the extent of any access road improvements, which may be required eg. provision of passing places along the access road, provision of service lay-bys and bin storage areas on or adjacent to the public road, provision of turning heads, improvements to junction visibility at the junction with the public road, improvements to the access road carriageway/footway surface etc.

The provision of a “private access road” must be clearly indicated at the planning application stage, otherwise a full standard adoptable road will assume to be being provided.

Section 2.3.9 Housing Courts

Any housing courts proposed must comply with section 4.7 of the Roads Development Guide 1996.

Section 2.3.10 Lowland Crofting (outwith settlement boundaries as defined within the current East Ayrshire Local Plan)

Up to five individual croft related dwellings may be served off a private access road providing the private access road is constructed to a standard acceptable to the Roads/Planning Authority.

The standard allowed would generally be less onerous than those required to bring the road up to an adoptable public road standard and therefore the access road would remain a private access.

In the interests of road safety, the Roads Department will determine the extent of any access road improvements, which may be required eg. provision of passing places along the access road, provision of service lay-

bys and bin storage areas on or adjacent to the public road, provision of turning heads, improvements to junction visibility at the junction with the public road, improvements to the access road carriageway/footway surface etc.

The provision of a “private access road” must be clearly indicated at the planning application stage, otherwise a full standard adoptable road will assume to be being provided.

5. FINANCIAL IMPLICATION

5.1 None

6. LEGAL IMPLICATIONS

6.1. The Council is empowered to make the proposed amendment under Section 21 of the Roads Scotland Act (1984).

7. RECOMMENDATIONS

7.1 The Committee is requested to approve the aforementioned revisions to the Roads Development Guide, permitting the number of dwellings off a private access in rural areas to be increased from 2 to 5, in certain situations.

James Lavery
Executive Director of Development and Property Services

10 January 2005
AW/CT/YK

BACKGROUND PAPERS

NIL

For further information on the contents of this report please contact

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