

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 30 MAY 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 28
APRIL 2006 RELATING TO PLANNING APPLICATION NO 05/1117/OL:
PROPOSED ERECTION OF FOUR DWELLINGHOUSES ON LAND AT BOIG
ROAD, NEW CUMNOCK**

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 28 April 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 28 April 2006 considered a report dated 14 April 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed that this application be referred to the Development Services Committee with a recommendation for approval, on the grounds that the proposed development would represent an acceptable departure from the Development Plan (i) since it would constitute only a minor encroachment beyond the settlement boundary into the countryside; and (ii) in view of the former residential use of the application site which had previously been occupied by a row of miners' cottages.
- 2.2 No objections were submitted in respect of this application. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 14 April 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that the Committee consider the planning application with reference to the report by the Head of Planning, Development and Building Standards dated 14 April 2006, and with consideration to the recommendation by the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

5 May 2006

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager, on telephone number 01563 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 APRIL 2006

**05/1117/OL: PROPOSED ERECTION OF FOUR DWELLINGHOUSES
ON LAND AT BOIG ROAD, NEW CUMNOCK**

APPLICATION BY MR. G. CALDWELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought for the development of the site for residential purposes for four plots. An indicative site layout has been submitted showing a linear development of four plots along the Boig Road with plot widths being between 20 and 26 metres wide with a depth of 32 metres. No details of the house types have been submitted at this stage. However, the applicant has stated that the proposed dwellings would either be single or 1.5 storeys in height. The application site also includes the provision of an access road at the north western extremity of the site that would be retained for future access to the land to the rear of the present application site.

2. RECOMMENDATION

2.1 **It is recommended that the application be refused for the reasons listed on the attached sheet.**

3. SUMMARY OF ANALYSIS

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 Section 25 and Section 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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope of New Cumnock. The

site is within the Rural Diversification Area and no justification has been cited for the development in this rural area.

3.3 In the absence of any specific locational need for this residential development there is no justification for approval which would represent a significant departure from the development plan. The proposed development would also result in a ribboning out of development along the C36 Boig Road, to the detriment of rural and visual amenity at this location.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

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: 28 APRIL 2006

**05/1117/OL: PROPOSED ERECTION OF FOUR DWELLINGHOUSES
ON LAND AT BOIG ROAD, NEW CUMNOCK**

APPLICATION BY MR. G. CALDWELL

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation at the request of the Local Member, and the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of agricultural land extending to 0.34 hectare and lies on the south west side of the C36 Boig Road at Connel Park in New Cumnock, 25 metres north west of the junction of the B741 road with the C36 Boig Road. The application site lies some 35 metres north west of the entrance to the Knockshinnoch Coal Disposal Point. To the rear of the site lies open agricultural land.

2.2 The present use of the land is for rough grazing, the site previously having been occupied by a row of miner's cottages which have long since been demolished. Outline planning permission for nine residential plots on the B741 at Connel Park was granted on 03/08/2004 (Ref. No. 04/0258/OL) and the present application site lies adjacent to plot 9 of this previously approved development. The application site is undulating in nature with site levels falling gently in a general south east to north west direction.

2.3 **Proposed Development:** Outline planning permission is being sought for the development of the site for residential purposes for four plots. An indicative site layout has been submitted showing a linear development of four plots along the Boig Road with plot widths being between 20 and 26 metres wide with a depth of 32 metres. No details of the house types have been submitted at this stage. However, the applicant has stated that the proposed dwellings would either be single or 1.5 storeys in height. The application site also includes the provision of an access road at the north western extremity of the site that would

be retained for future access to the land to the rear of the present application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the each plot must be taken via a standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 35 metres minimum will require to be formed and maintained at each access onto the C36 public road with no obstruction greater than 1 metre in height allowed within these areas. No surface water must be allowed to discharge onto the public road from the site. Three off road parking spaces will require to be provided for each dwelling in line with the Roads Development Guide. Each private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road. Any garages must be set back a minimum of 6 metres from the rear of the footway. Any gates will require to open inwards away from the public road. Each driveway must incorporate a turning area to allow vehicles to enter and leave in forward gear. A kerbed 2 metres wide footway will require to be provided by the developer across the full frontage of the site without reducing the width of the C36 public road. Street lighting, street furniture, road drainage etc. will require to be upgraded across the site frontage at the applicant's expense.

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

3.2 Scottish Water and Transco have not responded to the consultation letters.

Noted.

3.3 National Air Traffic Services (NATS) has no objections to the proposed development.

Noted.

3.4 Power Systems has no objection in principle to the proposed development.

Noted.

3.5 New Cumnock Community Council has not responded to the consultation letter.

Noted.

3.6 The Scottish Environment Protection Agency notes that it is the applicant's intention to connect foul drainage to the public sewer. Provided that this can be connected without adversely affecting the sewage works or associated storm overflows, then SEPA has no objections to the development. Surface water from roof and hardstanding areas should be drained utilising SUDS.

A note could be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site and the use of SUDS

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

Noted.

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 and the Adopted East Ayrshire Local Plan (EALP). The application relates to an area of land located in the Rural Diversification Area.

Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

C can be justified in terms of social and economic benefit to the community;

- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

The proposed development does not meet any of the above criteria and is therefore contrary to the policy provisions of the Structure Plan.

East Ayrshire Local Plan

5.3 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

No demonstration of the need for the development in terms of any of the categories of development detailed in policy RES13 has been made by the applicant.

- (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;

It is considered that the development constitutes a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary. However, a significant number of houses have been approved and constructed since 1 January 1999 which means that the permitted quota has already been exceeded. This proposal is therefore not acceptable in terms of this particular criterion of the policy.

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

Any development would require to meet with the Council's Design Guidance relating to New Residential Development in the Countryside.

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

It is not considered that the proposed development, comprising as it does a string of houses along Boig Road, is in keeping with the compact layout and design of the group of buildings to which the development would be attached.

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

It is considered that the proposed development can be implemented in a manner to meet the requirement of relevant public and statutory service providers.

This section of the policy also particularly encourages the sensitive infilling of any available gap sites consolidating existing dwellings within the group in preference to any linear expansion of the grouping of houses concerned; or

It is not considered that the proposed development complies with this element of the policy, comprising as it does a string of houses along Boig Road. The development proposed does not constitute the consolidation of the existing group of buildings and is not in keeping with the existing compact layout and design of the group of buildings to which it would be attached.

(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 development does not constitute 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.

5.4 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows;

- (i) to utilise any existing buildings which are considered capable of residential use in preference to the construction of new build housing; and
- (ii) to utilise areas of derelict or degraded land in preference to the development of greenfield land.

As stated above, the development is not considered acceptable in terms of local plan policies RES13 or RES14. The development also

does not utilise any existing buildings which are considered capable of residential use or utilise areas of derelict or degraded land in preference to the development of greenfield land.

The policy also states that, in all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses, in preference to being isolated in the countryside.

It is not considered that the development consolidates or compliments the small group of houses to which it would be attached.

5.5 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of those circumstances is pertinent to the application, this being:

(vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

It is considered that the proposed development clearly constitutes a ribboning of development along a public road in a rural location and is therefore contrary to the provisions of the policy.

The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policies RES14, RES15 and RES17 (vi). The proposal cannot therefore be supported in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and relevant planning history.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

Planning History

6.3 There is no relevant planning history directly relating to the application site itself. However the land immediately south and west of the application site has

been the subject of an outline planning application for the residential development of nine plots (Ref. No. 04/0258/OL dated 03/08/2004.) Since the approval of this outline application, three dwellinghouses have now been constructed or are in the process of being constructed following grant of detailed planning consent.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

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 Section 25 and Section 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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope of New Cumnock. The site is within the Rural Diversification Area and no justification has been cited for the development in this rural area.

8.3 In the absence of any specific locational need for this residential development there is no justification for approval which would represent a significant departure from the development plan. The proposed development would also result in a ribboning out of development along the C36 Boig Road, to the detriment of rural and visual amenity at this location.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards,

the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

14 April 2006
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous application 04/0258/OL.

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

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1117/OL

| | |
|--------------------------------|--|
| Location | Land at Boig Road, New Cumnock KA18 4QF |
| Nature of Proposal: | Proposed Erection of Four Dwellinghouses |
| Name and Address of Applicant: | Mr. G. Caldwell South Boig Farm New Cumnock KA18 4QE |
| Name and Address of Agent | Axiom Design Services 69 High Street Sanquhar DG4 6DT |

DPO's Ref:
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be refused for the following reasons:-

1. The proposed development would constitute the erection of four dwellings in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES 13 and RES 14 of the Adopted East Ayrshire Local Plan.
2. The proposed development would result in the ribboning out of residential development into the countryside along the C36 public road, contrary to good planning principles. The proposed development is therefore contrary to Policy RES17(vi) of the Adopted East Ayrshire Local Plan which presumes against development which would constitute or add to sporadic or ribboning of development along public or private roads in rural locations.

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