

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 1 APRIL 2004

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 27 FEBRUARY 2004 RELATING TO PLANNING APPLICATION NO 03/0934/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT THE GATEHOUSE, PATNA CEMETERY, MAIN STREET, PATNA BY MR AND MRS HUGHES

Report by the Depute Chief Executive/Director of Corporate Resources

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 27 February 2004 regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 27 February 2004 considered a report dated 13 February 2004 (attached as an Appendix) by the Head of Planning and Building Control and agreed that this application be referred to the Development Services Committee with a recommendation for approval since the proposed development site is located immediately adjacent to the settlement boundary of Patna and in close proximity to other existing dwellings, and as such would represent an acceptable exception to the policies contained within the Development Plan.
- 2.2 One objection was received in respect of this application and arrangements have been made for a Hearing to take place.

3. FINANCIAL/LEGAL IMPLICATIONS - Nil.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 13 February 2004 by the Head of Planning and Building Control, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1 It is recommended that this Committee consider the planning application with reference to the Head of Planning and Building Control's report dated 13 February 2004 and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

5 March 2004

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: 27 FEBRUARY 2004

**03/0934/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT
GATEHOUSE, PATNA CEMETERY, MAIN STREET, PATNA**

APPLICATION BY MR & MRS HUGHES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought to erect a modestly proportioned single storey unit on the site. The unit is of a modern style and proposed to be finished in a rough cast finish for the external walls and with interlocking roof tiles. It is proposed to take access off the existing shared road and to connect into the public sewer.

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, however, they have not raised any matters which would indicate the application should be refused. Equally, they have not indicated that the provisions of the development plan should be set aside in this instance.

3.2 The proposal is to erect a dwellinghouse on the edge of the settlement of Patna. Albeit it is in close vicinity to existing dwellings the site itself is actually in the countryside area and no need case has been submitted in an effort to justify the dwelling. Under these circumstances the proposed development does not comply with any of the relevant policies and is therefore contrary to the current development plan.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control

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: 27 FEBRUARY 2004

03/0934/FL: PROPOSED ERECTION OF DWELLINGHOUSE AT
GATEHOUSE, PATNA CEMETERY, MAIN STREET, PATNA

APPLICATION BY MR & MRS HUGHES

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to it being recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of rough grassland which is located north of and just outside the settlement of Patna.

2.2 The new cemetery bounds the site to the north and opposite this is the old cemetery. A modern bungalow lies immediately southwest of the site and Fullerton Place runs along the southern end of the site. Beyond the site to the east is scrubby land that falls away towards the river. There is an existing vehicular access from Fullerton Place to farms and other properties beyond the cemetery.

2.3 **Proposed Development:** Full permission is sought to erect a modestly proportioned single storey unit on the site. The unit is of a modern style and proposed to be finished in a rough cast finish for the external walls and with interlocking roof tiles. It is proposed to take access off the existing shared road and to connect into the public sewer.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power has no objection to the proposed development.

Noted.

3.2 Transco has no objection to the proposed development.

Noted.

3.3 The Coal Authority has no objections and no adverse comments to make. They have however advised that the developer should seek technical

advice prior to any works commencing on site should the Committee be minded to approve the application.

Noted. The developer has been advised of this.

3.4 The Scottish Environment Protection Agency has no objection to the proposed development subject to the development connecting to the public sewer.

Noted.

3.5 East Ayrshire Council's Department of Community Services has no objection to the proposed development.

Noted.

3.6 Scottish Water has advised there is an existing public water main located in the street adjacent and there is a public sewerage system to which a connection may be made. They have advised that a totally separate drainage system of foul and surface water sewers will be required.

Noted.

3.7 East Ayrshire Council's Roads Division has no objection to the proposed development subject to the following conditions:

- (i) the existing public road must be widened by the applicant from 3.5m to 5.5m for a distance of 15m north of the proposed access with a 0.5m kerbed pedestrian refuge across the frontage;
- (ii) the private access must be surfaced for a distance of 5m from the road boundary

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 The planning application has attracted one third party letter of representation objecting to the proposed development on the following grounds.

4.2 The level the house will be built at as the ground in front of the writer's house drops down at different levels and being only 35 feet from the boundary wall and the writer's house being only 2 feet from the boundary wall damage could be caused to the foundations.

The construction of the house and how it affects neighbouring properties is a matter which would be considered by the Building

Control section if the applicant applies for a warrant. It is not a material planning consideration and therefore has no weight in the determination of this planning application.

4.3 As the writer's house is only 2 feet from the boundary their bedrooms and bathroom will make good viewing from the planned garden. There is also a window facing into the writer's house from the planned building.

The proposed development is a single storey building and the window the writer is referring to is 11.4 metres from the boundary with the neighbour. If the Committee were minded to approve the application an appropriate condition could be imposed on the consent to alleviate any concern regarding overlooking.

4.4 The writer's property will depreciate.

The affect which the proposed development will have on the value of any adjoining land uses is not a material planning consideration and therefore has no weight in the determination of this application.

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

- (i) comprises an acceptable form of residential development as defined by the local plan;

The proposal does not comply with adopted East Ayrshire Local Plan policy as there is no justification for the house being located outwith the settlement boundary of Patna.

- (ii) provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

The proposal is for residential development therefore the above does not apply.

(iii) can be justified in terms of social and economic benefit to the community;

It is considered that a new house would not be of particular social or economic benefit to the community.

(iv) contributes to rural land diversification; or

A new house cannot be considered as contributing to rural land diversification.

(v) provides for the operational needs of agriculture and forestry;

The proposed house would not provide for the operational needs of agriculture or forestry

The proposal does not meet any of the above criteria and is therefore contrary to structure plan policy.

East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small-scale residential developments within the identified Rural Diversification Area, in three stated circumstances. One of those circumstances is pertinent to the application, this being where:

(i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 of the local plan; or

No justification has been submitted by the applicant therefore the proposal does not meet (i) above.

(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 01 January 1999, up to a maximum of 4 new housing units, any development requiring to be appropriate in terms of design to the particular location in which it is proposed;
- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and
- any development requiring to meet the standards required by all relevant public and statutory service providers.

The proposed site does not lie adjacent to four or more houses not delineated by a settlement boundary therefore the above does not apply.

- (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.

This criterion does not apply to the proposed development.

5.4 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances, the most relevant to this proposal being as follows:

- (iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;

The proposal does constitute an inappropriate extension of the development into the countryside.

This proposal is contrary to both Structure and Local Plan policy as the proposed house lies outwith the settlement boundary of Patna and no supplementary information to justify its location has been submitted by the applicant. The proposal also constitutes an inappropriate extension of development into the rural area.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the representation received.

Consultations Responses

6.2 None of the consultation responses received have indicated that the recommendation should be one of refusal subject to the imposition of appropriate conditions in any consent granted for the proposed development.

Representations

6.3 It is considered that those points of representation considered to be valid on planning grounds can be addressed through the imposition of appropriate conditions in any consent granted for the development. The grounds of objection are not considered to be of sufficient weight to justify refusal of the application.

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, however, they have not raised any matters which would indicate the application should be refused. Equally, they have not indicated that the provisions of the development plan should be set aside in this instance.

8.2 The proposal is to erect a dwellinghouse on the edge of the settlement of Patna. Albeit it is in close vicinity to existing dwellings the site itself is actually in the countryside area and no need case has been submitted in an effort to justify the dwelling. Under these circumstances the proposed development does not comply with any of the relevant policies and is therefore contrary to the current development plan.

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

Alan Neish
Head of Planning and Building Control
13 February 2004
NM/NM/HM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0934/FL

Location	Gatehouse Patna Cemetery Main Street PATNA KA6 7NL
Nature of Proposal:	Proposed erection of dwellinghouse
Name and Address of Applicant:	Mr & Mrs Hughes 4 Kilmein Avenue PATNA KA6 7PE
Name and Address of Agent	Clyde Coast Architectural Services 26 Wellington Square AYR KA7 1HH

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

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

1. No site-specific need case has been submitted in respect of the proposed development for a dwellinghouse in the Rural Diversification Area and therefore it has no justification. Furthermore the proposed development would result in an inappropriate extension of development into the countryside from the existing settlement boundary of Patna. The proposal therefore fails to meet any of the criteria as set out in the terms of Policy G6 of the Ayrshire Joint Structure Plan and Policy RES17 of the East Ayrshire Local Plan, both of which state a presumption against the erection of new single dwellinghouses unless it meets the criteria stated in the policy.
2. The proposed development does not constitute a limited addition to an existing clearly defined group of four or more houses and nor does it comprise a low density housing development with a dual residential and workplace function. It is therefore contrary to Policy RES14 of the East Ayrshire Local Plan which is only supportive of small scale residential developments within the Rural Diversification Area in one of the three stated circumstances, none of which apply in this case.

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