

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 22 AUGUST 2006

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 11 AUGUST 2006 RELATING TO PLANNING APPLICATION NO 06/0238/FL: PROPOSED ERECTION OF SINGLE STOREY DWELLINGHOUSE AT GLENMUIR ROAD, LOGAN BY MR STUART MAIR

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 11 August 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 11 August 2006 considered a report dated 1 August 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 basis that the proposed development would represent an acceptable departure from the Development Plan since it would constitute only a minor encroachment beyond the settlement boundary into the countryside.
- 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 1 August 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 this Committee consider the planning application with reference to the report dated 1 August 2006 by the Head of Planning, Development and Building Standards 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

14 August 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: 11 AUGUST 2006

**06/0238/FL: PROPOSED ERECTION OF SINGLE STOREY
DWELLINGHOUSE
AT GLENMUIR ROAD, LOGAN
BY MR STUART MAIR**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single bungalow on the site, fronting onto Glenmuir Road. The proposed finishing materials are noted as red brick and white render covering the external walls with slate grey tiles noted as the roof covering. The proposed dwelling incorporates an integral garage and external turning area to the front with direct vehicular access from Glenmuir Road.

2. RECOMMENDATION

21 It is recommended that the application be refused for the reasons 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 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.

3.2 The consultation responses are supportive of the proposal but as the site is located outwith the settlement boundary of Logan, any residential development would be contrary to both policy RES13 and RES17 of the East Ayrshire Local Plan.

3.3 The proposed erection of a dwelling at this location is not supported by any persuasive planning justification and is therefore contrary to both the Ayrshire Joint Structure Plan and East Ayrshire Local Plan. Whilst it is noted that a recent reserved matters application (Ref: 06/0287/RM) for a similar style bungalow on a plot south of Glenmuir Road, also outwith the boundary of Logan received full planning consent, the proposed plot does not abut that site, being separated by an overhead power line and a distance in excess of 30 metres.

3.4 To conclude, the proposed development is contrary to the development plan and there is no justification in this instance for a departure from policy.

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: 11 AUGUST 2006

06/0238/FL: PROPOSED ERECTION OF SINGLE STOREY
DWELLINGHOUSE
AT GLENMUIR ROAD, LOGAN
BY MR STUART MAIR

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 a full planning application which is to be considered by the Local Planning Committee at the request of the Local Member under the scheme of delegation because the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies on the southern side of Glenmuir Road which passes through the settlement of Logan and is almost opposite the junction of Glenmuir Road with Glenmuir Crescent. The land to the immediate west and south of the site consists of agricultural ground. To the north, the plot faces 2 storey semi detached properties of no. 29 and 35 Glenmuir Road. To the east the plot is bounded by the neighbouring residential property of no. 37 Glenmuir Road. Immediately in front of the proposed site lies a newly developed bus stop and lowered access point, on both the south and northern side of Glenmuir Road.

2.2 The site extends to an approximate area of 780 metres² comprising of level undeveloped agricultural ground.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a single bungalow on the site, fronting onto Glenmuir Road. The proposed finishing materials are noted as red brick and white render covering the external walls with slate grey tiles noted as the roof covering. The proposed dwelling incorporates an integral garage and external turning area to the front with direct vehicular access from Glenmuir Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Lugar and Logan Community Council has not responded to the consultation letter at the time of writing this report

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) A 2 metre wide kerbed footway to East Ayrshire Roads specification shall require to be constructed by the applicant along the frontage of the site linked to the existing footway.
- (ii) Access to the site shall be taken via a tarred standard driveway access crossing to East Ayrshire Roads standards
- (iii) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (iv) The private driveway will require to be paved for a minimum distance of 2 metres from the rear of the adjacent footway to avoid the over carry of loose material onto the public road.
- (v) An internal car turning area should be provided to allow vehicles to enter and leave in forward gear
- (vi) Off road car parking for 2 vehicles shall be provided within the application site.

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

3.3 The Scottish Environment Protection Agency has no objections in principle to the development provided that all foul drainage from the development is connected to the public sewerage system in accordance with Scottish Water requirements. Surface water must be excluded from the foul drainage system to minimise the amount of drainage being treated and should be discharged to a separate soakaway or a watercourse via a suitably designed SUDS system.

Conditions and notes could be attached to any consent granted for the development to meet the requirements of the Scottish Environment Protection Agency.

3.4 Power Systems has no adverse comments to make on this application.

Noted.

3.5 Transco has no adverse comments to make on this application.

Noted.

3.6 Scottish Water has no objections in principle to the proposed development however a separate drainage system will be required with respect to the surface water discharge from the site.

A note could be attached to any consent granted for the development to advise the applicant to make early contact with Scottish Water.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development. A supporting statement was submitted by the applicants which is detailed in section 6.4 of this report.

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 ADS3 states that new residential, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined in local plans.

This proposal is located just outwith the settlement boundary of Logan and is therefore contrary to policy ADS3.

5.3 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

- A has a demonstrated site specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification: or

D provides for the operational needs of agriculture and forestry.

The proposed house does not meet any of the above criteria as no additional information has been received to justify its location within the Rural Protection Area. It is therefore contrary to policy G5.

East Ayrshire Local Plan

5.4 The proposed development can either be defined as an extension to the settlement boundary or as residential development in the countryside. Policies RES 2 and RES 13 deal with these issues. Policy RES2 states that, with the exception of dwellings covered by Policies RES13 and 14, proposals to extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless five stated criteria are fully satisfied, these being:

- (i) there is a demonstrated shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area;
- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;
- (iii) the proposal meets the terms of the Housing Development Strategy of the Local Plan;
- (iv) road access and all other services and infrastructure can be provided to the standards required by the relevant public and statutory service providers; and
- (v) the proposal accords with the Council's policies with regard to design and layout and has minimal impact on the visual and natural environment.

There is no demonstrated shortfall of effective housing land within the East Ayrshire Housing Market Area therefore the proposal is contrary to policy RES 2.

5.5 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes.

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;

(iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or

(iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

The policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

As no valid additional information has been submitted to justify the proposal, it is assumed that the house is not required for (i)-(iii) above. Criterion (iv) above cannot be applied to this proposal.

5.6 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:

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

It is considered that the proposed development would constitute an inappropriate extension of development into the countryside from the existing settlement boundary of Logan.

5.7 The proposal cannot for the above reasons 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, planning history and the statement of support and the Ayrshire Joint Structure Plan (New Finalised Version).

Consultations Responses

6.2 The consultation responses received would indicate that approval of the application would be appropriate.

Planning History

6.3 The application site has been the subject of one planning application, made in 2004. Details of this are provided below:

Statement of Support

6.4 The applicant has submitted a letter in support of the application in an attempt to try to alleviate any issues raised from any third party letters of representation and justify the proposal. This is summarised as follows:

- I was originally born and brought up in the area namely Daleagles, New Cumnock where I lived for 27 years. Due to work commitments I was forced to relocate. But having spent several years away from the area I am keen to return. My parents too have recently relocated to Cumnock. Being from the countryside Logan would appear to be an ideal location to begin a new life. Just a stone throw away from the hustle and bustle of the town centre. But close to some of the nicest countryside Ayrshire has to offer.
- I feel Cumnock itself has always good transport links via bus to surrounding areas with a rail link close by. There is a also Prestwick International Airport and ferry links close by. So travelling within Ayrshire and beyond is made easy.
- As for amenities Ayrshire has them all from good shops restaurants, cafes. Being educated here there are good school, collages. Excellent health care facilities at Ayr and Crosshouse. Also various theatres, cinemas and sport centres.
- I have always been striving to build my own house back in the area where I grew up close to my family and friend. And potentially this planning application would help bring this dream to fruition.

It is not considered that any significant weight can be given to any of the points raised within the supporting statement as a material consideration to justify a departure from the development plan.

Ayrshire Joint Structure Plan (New Finalised Version)

6.5 Policy COMM 5 - 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 re-use and re-development 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.

6.6 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 house does not fall under any of the above types of development, is not acceptable in terms of the East Ayrshire Local Plan and is therefore contrary to Policy COMM 5 of the Finalised Ayrshire Joint Structure Plan.

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.

8.2 The consultation responses are supportive of the proposal but as the site is located outwith the settlement boundary of Logan, any residential development would be contrary to both policy RES13 and RES17 of the East Ayrshire Local Plan.

8.3 The proposed erection of a dwelling at this location is not supported by any persuasive planning justification and is therefore contrary to both the Ayrshire Joint Structure Plan and East Ayrshire Local Plan. Whilst it is noted that a recent reserved matters application (Ref: 06/0287/RM) for a similar style bungalow on a plot south of Glenmuir Road, also outwith the boundary of Logan received full planning consent, the proposed plot does not abut that site, being separated by an overhead power line and a distance in excess of 30 metres.

8.4 To conclude, the proposed development is contrary to the development plan and there is no justification in this instance for a departure from policy.

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

01 August 2006
(RG/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Supporting Statement prepared by applicant

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

06/0238/FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0238/FL

Site of Proposal:	Plot of Land At Glenmuir Road Logan
Nature of Proposal:	Proposed Erection of a Single Storey Dwellinghouse
Name & Address of Applicant:	Mr Mair 54 Saucel Street PAISLEY PA1 1UB
Name & Address of Agent:	N/A

DPOs Reference: RG/MMM

The above FULL application should be refused on the following grounds:-

1. The proposal is for a new residential development outwith the settlement boundary of Logan and is therefore contrary to the provisions of Policy ADS3 of the Ayrshire Joint Structure Plan which states that new residential development shall be directed to and located within settlements.
2. The proposed development would extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundary of Logan but does not meet the criteria as stated in Policy RES2 of the East Ayrshire Local Plan. It is therefore contrary to the terms of this policy which requires that all five criteria are met for the proposal to be acceptable.
3. The proposal represents a residential development in the Rural Protection Area for which no justification pertaining to an economic or agricultural need case has been submitted. The development would therefore be contrary to the provisions of Policy G5 of the Ayrshire Joint Structure Plan and Policies RES13 and RES17 of the East Ayrshire Local Plan.
4. The proposed development, if approved, would set an undesirable precedent for further residential development in the Rural Protection Area and lead to an

inappropriate extension of the settlement boundary of Logan into the countryside at this location.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**