

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 8 FEBRUARY 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON
27 JANUARY 2006 RELATING TO PLANNING APPLICATION NO
05/1022/OL: PROPOSED ERECTION OF BUNGALOW AT GLENMUIR ROAD,
LOGAN BY MR D PRENDERGAST**

**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 27 January 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 27 January 2006 considered a report dated 18 November 2005 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed to refer this application to the Development Services Committee with a recommendation for approval, the Local Planning Committee being of the view that the proposed development was a minor encroachment on the settlement boundary and, therefore, the proposed development would represent an acceptable departure from the Development Plan; and to delegate to the Head of Planning, Development and Building Standards for appropriate conditions and reasons to be attached to the planning consent.
- 2.2 Four objections were submitted in respect of this application and a Hearing took place at the meeting of the Local Planning Committee held on 27 January 2006. Therefore, there is a requirement for a Hearing at this meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 18 November 2005 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 18 November 2005 by the Head of Planning, Development and Building Standards and with consideration to the recommendation of the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

31 January 2006
RB/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: Robert Beaton, Administrative Officer.

APPENDIX

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 27 JANUARY 2006

05/1022/OL: ERECTION OF A BUNGALOW AT GLENMUIR ROAD, LOGAN

APPLICATION BY MR D. PRENDERGAST

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a single bungalow on the site, fronting onto Glenmuir Road. No details of the proposed dwellinghouse have been submitted at this outline stage.

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.

3.2 The site is situated just outside the settlement of Logan in the Rural Protection Area and, notwithstanding the statement of support by the applicant, no site specific locational need case has been submitted in justification of the proposed development.

3.3 The consultation responses and representations received would indicate that approval of this application would be appropriate 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. However, the applicant has submitted a supporting statement which could be considered as a material consideration in the determination of the application.

Although the points covered within the letter are relevant to the application, little weight should be given to them.

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 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: 27 JANUARY 2006

05/1022/OL: ERECTION OF A BUNGALOW AT GLENMUIR ROAD, LOGAN

APPLICATION BY MR D. PRENDERGAST

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, as the proposal is contrary to policy, is the subject of objections and is recommended for refusal.

1.2 This application was first presented to Committee for consideration on 02 December 2005 at which time the Committee agreed to a site visit before determining the application.

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 900 metres² comprising of level undeveloped agricultural ground and is generally level in nature.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a single bungalow on the site, fronting onto Glenmuir Road. No details of the proposed dwellinghouse have been submitted at this outline stage.

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 Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) The location of the access would require being at the eastern end of the site to avoid the existing bus boarder and shelter. Any relocation of the shelter or bus stop would require to be at the applicant's expense.
- (ii) A 2 metre wide kerbed footway to East Ayrshire Roads specification shall require to be constructed by the developer along the frontage of the site linked to the existing footway outside number 37 Glenmuir Road.
- (iii) Access to individual plots must be taken via a tarred standard driveway access crossing to East Ayrshire Roads standards
- (iv) Any garages must be set back a minimum distance of 6m from the rear of the footway
- (v) 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.
- (vi) An internal car turning area should be provided to allow vehicles to enter and leave in forward gear
- (vii) Residents parking must be provided in line with the Roads Development Guide 1996.

Conditions can 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 providing 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 can 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 can be attached to any consent granted for the development to advise the applicant to make early contact with Scottish Water.

4. REPRESENTATIONS

4.1 Four letters of representations from six signatories have been received objecting to the proposed development, the main points of which are summarised below:

4.2 The land bordering our dwelling house is a green belt area and any approval of such an application would surely set a precedent for further constructions adjacent and beyond this area. The field in question is very extensive and we believe if permission is granted the landowner would undoubtedly receive further requests for sale of this land leading to further applications which could jeopardise the only remaining green belt area adjacent to Logan.

The settlement boundary of Logan follows the southern line of Glenmuir Road extending around the boundary of the adjacent property. Therefore the application site is outwith the settlement boundary and is included within the Rural Protection Area. The granting of any consent could well lead to further interest in the adjacent land. It should be noted however that it could be considered that a precedent has already been set with the development of the southern side of Glenmuir Road which accommodates 4 separate buildings.

4.3 The location of the bus stop has clear implications with the proposed access point. Any access point would have to be located very close to the shelter and raised kerbs, resulting in buses stopping close to the access. All clearly causing conflict for cars leaving the site or stopping on Glenmuir Road waiting to enter whilst the bus takes / drops passengers. This would result in a blockage to both lanes and further confusion and conflict for other traffic. This new access

would also have the added complication of the opening junction of Glenmuir Crescent opposite.

At this stage no access arrangements have been detailed within the application and therefore it is not possible to comment on the impacts of the development on the nearby bus stop. However, the Roads and Transportation Division has advised that the access to the plot should be taken to the eastern side of the site, to prevent any conflict with the bus stop.

4.4 Glenmuir Road is already overcrowded by parked vehicles and can not afford further complications of vehicle entry / exit and more visitor parked vehicles. At present no residents or visitors park on the south side of Glenmuir Road due to the excess of vehicles parked apposite and the sheer volume of traffic.

Similarly to above, as this is an outline application access and parking arrangements have not been detailed. Nevertheless the Roads and Transportation Division has not raised concerns with regard to this matter and it is expected that due to the size of the plot, off street and visitor parking may be achievable within the red line site area. The proposed development would require to have its own off-street parking.

4.5 An overhead mains electric cable and mast is situated by the plot as shown in enclosed photos. We believe there is a very strong possibility that the mains cable then runs below ground throughout the proposed site and towards the transformer unit in Glenmuir Road.

As part of the consultation process Scottish Power has provided comments on the proposed development, stating that they have no objection to the proposal and have included a map showing no signs of underground apparatus within the red line site area.

4.6 Our own house was constructed in 1978 with our living room at the gable opposite the site. This has a 3 metre wide by 2.1 metre high window positioned to enjoy the view of the landscape beyond. This proposal would undoubtedly obstruct our view and have a detrimental effect on the value of the property.

As there has been no further development on the south west side of Glenmuir Road, the occupant of 37 Glenmuir Road has enjoyed uninterrupted views of the surrounding fields. This proposal is seeking to erect a bungalow of a similar scale to no.37 on land adjacent to the western boundary. It is shown on the site plan at a distance of approximately 14 metres from the gable end of no. 37 which would still allow for views from any side window with the

views to the rear of the dwelling remaining unaltered and uninterrupted. Notwithstanding this, the objections based on potential loss of views and devaluation of property are not valid in planning terms and are not material to the determination of this application.

4.7 I have personal reasons to oppose this development. Primarily when my wife and I purchased this property some seventeen years ago a major incentive was the view the property enjoyed. We have appreciated this view all of these years and still do. Any building in this area will completely destroy this pleasure. I also believe that the loss of this view will be detrimental to the valuation of our property.

Comments as per 4.6 above.

4.8 I require access to my drive at all times in view of my recent ill health. Doctor's letters can be produced on request.

The Roads and Transportation Division has provided detailed comments on this application and have no objections to the proposal subject to the appropriate conditions. Therefore, it is not perceived that this development will have any adverse affect on the driveway access to the property on the northern side of Glenmuir Road.

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.

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

5.3 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.

5.4 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.

5.5 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:

- (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 existing settlement boundary of Logan.

The proposed development is therefore contrary to the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations and the statement of support.

Consultations Responses

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

Representations

6.3 The four third party representations received show concern with respects to the issues resulting from the erection of a dwellinghouse, most of these in conjunction with road safety issues and the adverse issues resulting from a dwellinghouse at this location. However, these issues have been sufficiently addressed in Section 4 of the report and therefore it is considered that they are not of sufficient weight to merit refusal of the application.

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 born and bred in Logan and have lived in the area all my life and I have spent 1 - 2 years looking for suitable land in Logan and Lugar to no avail. Any land I have found has been larger sites for developers which would suggest a shortfall in small development plots.
- This particular site is just outside the settlement boundary of Logan with significant building already present on this side of the road. There is an existing gap between the electricity pole and the bungalow with all services available nearby.
- I am looking to build a high quality bungalow in keeping with the neighbourhood which I feel would help enhance the area and feel I would be investing in an area.
- I have been keenly watching a planning application which has now been granted for land at Dixon Holm, Lugar. I understand that in terms of policy both the house and the contractor's yard are non-compliant therefore I am excited about the fact that there might be a relaxation of these policies.

It is not considered that any significant weight can be given to the supporting statement as a material consideration to justify a departure from the development plan. Each application should be considered on its own merits set against the adopted local plan and the material considerations relevant to 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.

8.2 The site is situated just outside the settlement of Logan in the Rural Protection Area and, notwithstanding the statement of support by the applicant, no site specific locational need case has been submitted in justification of the proposed development.

8.3 The consultation responses and representations received would indicate that approval of this application would be appropriate 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. However, the applicant has submitted a supporting statement which could be considered as a material consideration in the determination of the application. Although the points covered within the letter are relevant to the application, little weight should be given to them.

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 be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

18 November 2005

RG/RG

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 Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1022/OL

Location	PLOT OF LAND AT GLENMUIR ROAD, LOGAN
Nature of Proposal:	ERECTION OF A BUNGALOW
Name and Address of Applicant:	MR DAVID PRENDERGAST 26 HARPERBANK GROVE CUMNOCK KA18 1EN
Name and Address of Agent	N/A

DPO's Ref: Robin Ghosh

PPO's Ref: Hugh Melvin

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

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 is 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.

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