

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 21 SEPTEMBER 2004**

**04/0478/FL: PROPOSED HOUSING DEVELOPMENT FOR 8 NO.  
DWELLINGHOUSES AT FORMER ROADS DEPOT, CARSPHAIRN ROAD,  
DALMELLINGTON**

**APPLICATION BY RANSOM DEVELOPMENTS LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to redevelop the site for residential purposes. Two rows of four terraced dwellings are proposed on the south side of the site and fronting onto the Carsphairn Road with sizeable private garden space to the rear of the dwellings. The units are to be two-storey with a simple dual pitched roof clad in grey interlocking concrete roof tiles and with off white render and buff facing brick for the external wall finish.

1.2 Access is to be taken off the B7013 into the site and ending in a hammerhead with parking provision to either side. The northern side of the site, which is made up ground, is to remain as a wooded area with no new build. It is proposed to form a connection to the public sewer for foul drainage from the site.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the application has been cleared by the Scottish Ministers in terms of The Town and Country Planning (Notification of Applications) (Scotland) Direction 1994 (as amended).**

#### **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, and having been given due consideration they would not indicate the application should be refused.

3.2 The site is the former Roads Depot at the Carsphairn Road in Dalmellington. Albeit it is outwith the settlement boundary, and there is no justification pertinent to the application it is a brownfield site which at present comprises vacant buildings of no architectural merit and derelict land. In its current form the site offers nothing to the visual amenity of the area and detracts from the ambience of this semi-rural road leading into the settlement. It is therefore considered that the principle of developing this site for residential purposes is an acceptable departure from the development plan.

3.3 It is proposed to develop the site for the erection of two terraced rows comprising four two storey units each. The houses follow a simple design scheme incorporating a dual pitched roof and with a modern fenestration. The units are to front onto the Carsphairn Road and each has a modest front garden area to the rear with pedestrian access. Each property has a sizeable rear garden area which backs onto the access road into the site.

3.4 The access is to be taken off the B7013 road and is to wrap around the rear gardens and end in a hammerhead. Eight dedicated parking spaces along with six visitor spaces are agreed as acceptable by the Roads Division. The steeply sloping bank down to the Muck Water lies on the other side of the access road. A 2m wide footway is also to be provided along the frontage of the site.

**James Lavery**  
**Executive Director of Development and Property Services**

**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.**

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**04/0478/FL: PROPOSED HOUSING DEVELOPMENT FOR 8 NO.  
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**APPLICATION BY RANSOM DEVELOPMENTS LTD**

**Report by Executive Director of Development and Property Services**

### 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 Development Services Committee under the scheme of delegation, as it represents a significant departure from the development plan, is subject to objections and, as the Council has a financial interest in the site, the application will be subject of notification to the Scottish Ministers if approved.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the southeast side of the settlement of Dalmellington. Comprising an area of ground extending to 0.4 hectare the site is located on the east side of the junction of the B7013 road with the A713 Carsphairn Road.

2.2 The site which was formerly a Council roads depot is accessed from the B7013. A steep bank which is heavily wooded forms the northern boundary down to the Muck Water. Landel Cottage is a detached dwellinghouse which lies west of the site and open space forms the opposite corner of the junction.

2.3 **Proposed Development:** It is proposed to redevelop the site for residential purposes. Two rows of four terraced dwellings are proposed on the south side of the site and fronting onto the Carsphairn Road with sizeable private garden space to the rear of the dwellings. The units are to be two-storey with a simple dual pitched roof clad in grey interlocking concrete roof tiles and with off white render and buff facing brick for the external wall finish.

2.4 Access is to be taken off the B7013 into the site and ending in a hammerhead with parking provision to either side. The northern side of the site,

which is made up ground, is to remain as a wooded area with no new build. It is proposed to form a connection to the public sewer for foul drainage from the site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) access to the site to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, turning area, street lighting, drainage etc. The nib out reducing the road width at entry would require to be removed;
- (ii) the developer to provide a 2m footway across the frontage of the site along the A713 and the existing footway opposite the site entrance along the B7013 will require to be extended for a distance of 15m;
- (iii) shrubs within the developer's control to the Landel Cottage side of the new access must be removed to provide adequate visibility for the existing private driveway user and kerbing and a dropped kerb access crossing should be provided across this private access;
- (iv) the parking shown is acceptable but 6 spaces would require to be delineated for visitors with 8 designated spaces for residents (1 per unit);
- (v) visibilities at the proposed revised junctions are considered acceptable but must be kept free with no obstruction greater than one metre in height in the splays.

***A revised site layout has been submitted which demonstrates that these conditions can be met on land within the developer's control in the interests of road safety.***

3.2 Scottish Water has objected to the proposed development for the reason that the cost of providing infrastructure to serve the development is outwith their "reasonable cost" obligation.

***The developer has been advised that they will be required to resolve this prior to any development commencing and this can be addressed through a note if the Committee are minded to approve the application.***

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided that the drainage arrangements are to their satisfaction. In this regard they state that all foul drainage must be to the

public sewerage system in accordance with Scottish Water standards and they have requested a condition requiring the applicant to install a surface water treatment system.

***The developer has been advised of this and it is recommended that an appropriate note be attached to the consent should the Committee be minded to approve the application.***

3.4 Scottish Power has no objection to the proposed development.

***Noted.***

3.5 Transco has requested that their information maps are passed to the developer on site.

***This information has been forwarded to the agent acting on behalf of the developer.***

3.6 Dalmellington Community Council has been consulted but no response had been received at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 In addition to the objection from Scottish Water the planning application has attracted two letters of objection from third parties. The objections that have been raised can be summarised as follows:

4.2 Invasion of privacy.

***The objector's house is located some 48 metres from the nearest house within the proposed development and is on the opposite side of the B7013 road. It is therefore not considered that the proposal would create a level of overlooking onto this property which would represent any significant level of invasion of privacy.***

4.3 Loss of view.

***The site at present is a brownfield site containing industrial buildings of no architectural merit. In any case the writer resides across the public road some 50 metres from the development and their view is not a material planning consideration which has any weight in the determination of the planning application.***

4.4 My husband and his late partner tried to get permission for a house a few years ago and permission was refused. The reason given was the ground was outwith the boundary. How can this development be considered when ours was refused.

***Each application must be considered on its individual merits and the proposal is for the redevelopment of a brownfield site, albeit outside the settlement envelope, which is considered to be an acceptable departure from the development plan. The proposal offers significant visual benefit at this location.***

4.5 The total number of houses being developed is in excess relative to the amount of land being developed.

***The proposal is for the erection of a total of eight dwellinghouses all of which achieve the standards for sizeable private garden space. There is ample off road parking provision and it is not considered that the density proposed is unacceptable.***

4.6 The houses are not in keeping with the surrounding houses, which are mainly bungalows.

***It is recognised that the majority of residential properties within the immediate vicinity of the site are indeed single storey. However, the proposed two storey units have no implications in terms of overlooking or overshadowing and are set apart from these single storey properties. The site is lower than the public road and it is not considered that there are any material planning considerations that would indicate that two storey units would be unacceptable on this site.***

4.7 The proposed entrance to the development will be restricting our driveway and on investigating this, I was informed that the entrance must be relocated to 15 metres from the A713 and this will bring the entrance of the new development right beside my entrance. I feel that this road being outwith the speed limit will cause danger to the residents and passing traffic.

***The proposed access will indeed be closer to the objector's property which lies immediately northwest of the site. However the developer has demonstrated through submission of a revised site layout that the proposed access meets road safety standards and is acceptable to the Council's Roads and Transportation Division. The matter of road safety, though material, has been adequately addressed and would not indicate that the application should be refused.***

4.8 The houses proposed will be built outwith the speed limit and does this mean that they will be built out with the boundary?

***The proposed development is indeed outwith the settlement boundary and this is a material planning consideration of significance in the determination of the planning application. The site is however a brownfield site immediately adjacent to the boundary and in these circumstances it is considered that appropriate redevelopment of the site, as currently proposed, is an acceptable departure from the development plan.***

## **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 (2003).

### Ayrshire Joint Structure Plan

5.2 Policy L5 states that proposals to extend the greenfield supply of land for residential development shall require to meet three criteria. Such proposals will require to:

- (i) demonstrate clear evidence of shortfall in the effective land supply in the relevant Housing Market Area;

***It is the opinion of the Council that there is no shortfall of land in the effective land supply within the East Ayrshire Housing Market Area. At all times the Council maintains a minimum 5 years supply of housing land.***

- (ii) demonstrate effectiveness and output contribution during the shortfall period ; and

***The applicant is required to demonstrate effectiveness and output contribution during any shortfall period.***

- (iii) be fully justified against the criteria identified in policies G1 to G8.

***The proposed development does not comply with any of the criteria as stated in Policies G1 to G8.***

5.3 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;

***This residential development proposal does not comply with local plan policy as the site lies outwith, but adjacent to, the settlement boundary of Dalmellington.***

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

***This criterion is not applicable.***

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

***A residential development would have limited social and economic benefit to the community.***

D contributes to rural land diversification: or

***A housing development would not contribute to rural land diversification.***

E provides for the operational needs of agriculture and forestry.

***The proposed housing would not provide for the operational needs of agricultural and forestry.***

On the basis of the above, the proposal is not considered to comply with the terms of the Structure Plan.

#### East Ayrshire Local Plan

5.4 Policy RES2 states that, with the exception of dwellings covered by Policies RES13 and 14 below, 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;

***It is the opinion of the Council that there is no shortfall of land in the effective land supply within the East Ayrshire Housing Market Area.***

***At all times the Council maintains a minimum 5 years supply of housing land.***

- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;

***If the applicant can demonstrate a shortfall, they would then be required to show the site's effectiveness and ability to contribute to output during the shortfall period.***

- (iii) the proposal meets the terms of the Housing Development Strategy of the Local Plan;

***The principle of 8 houses at Dalmellington meets with the Local Plan Housing Development Strategy as it is a small scale development.***

- (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

***The proposed development is found to be acceptable in terms of services and infrastructure. The developer has been advised that they are required to resolve the matter of foul drainage prior to any development commencing.***

- (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.

***The proposed houses are two storey terraced properties which are sited at a lower position than the main public road. The proposed development does meet the Council's Design Guidance on New Residential Development and is considered to be visually acceptable within the natural environment.***

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;

***Whilst the proposed development constitutes an extension beyond the existing settlement boundaries, it is not considered to be inappropriate as the site is an unsightly former Roads Depot that may benefit from an appropriate, well designed new housing***

*development. The proposal is not in effect an extension into a greenfield site, but into land already more comfortably associated with a built-up area.*

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

### Consultations Responses

6.2 The consultation response received from Scottish Water does object to the proposed development but only on the basis that it is beyond their reasonable cost obligation. The developer shall resolve this should planning permission be granted and there are no other issues arising from the consultation responses to indicate that the application should be refused.

### Representations

6.3 The third party representations do raise material planning considerations all of which have been given due consideration and it is not considered that they would indicate the application should be refused.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 The site is presently owned by the Council and therefore if planning permission is granted this would have financial implications for the Council. However, the application will require to be referred to the Scottish Ministers in terms of The Town and Country Planning (Notification of Applications) (Scotland) Direction 1994.(as amended).

## **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, and having been given due consideration they would not indicate the application should be refused.

8.2 The site is the former Roads Depot at the Carsphairn Road in Dalmellington. Albeit it is outwith the settlement boundary, and there is no justification pertinent to the application it is a brownfield site which at present comprises vacant buildings of no architectural merit and derelict land. In its current form the site offers nothing to the visual amenity of the area and detracts from the ambience of this semi-rural road leading into the settlement. It is therefore considered that the principle of developing this site for residential purposes is an acceptable departure from the development plan.

8.3 It is proposed to develop the site for the erection of two terraced rows comprising four two storey units each. The houses follow a simple design scheme incorporating a dual pitched roof and with a modern fenestration. The units are to front onto the Carsphairn Road and each has a modest front garden area to the rear with pedestrian access. Each property has a sizeable rear garden area which backs onto the access road into the site.

8.4 The access is to be taken off the B7013 road and is to wrap around the rear gardens and end in a hammerhead. Eight dedicated parking spaces along with six visitor spaces are agreed as acceptable by the Roads Division. The steeply sloping bank down to the Muck Water lies on the other side of the access road. A 2m wide footway is also to be provided along the frontage of the site.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the application has been cleared by the Scottish Ministers in terms of The Town and Country Planning (Notification of Applications) (Scotland) Direction 1994 (as amended).**

**James Lavery**  
**Executive Director of Development and Property Services**

10 September 2004  
NM/NM/SMB  
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).

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: 04/0478/FL

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Location	Former Roads Depot Carsphairn Road DALMELLINGTON KA6 7QD
Nature of Proposal:	Proposed housing development for 8 no. dwellinghouses
Name and Address of Applicant:	Ransom Developments Ltd Portland House Harbour Road TROON KA10 6DN
Name and Address of Agent	Lawrence McPherson Associates The Atrium 6 New Road AYR KA8 8EX

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

The above FULL application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and plans (Ref : 698(P)01 & 698(P)05) received on 04 May 2004 and amended site plan (Ref: 698(P)03B) received by the Planning Authority on 16 August 2004.

REASON – To ensure that development is carried out in accordance with the approved details.

2. The houses to be erected shall have external finishes of a grey interlocking tile for the roof and off white render and buff facing brick for the walls as stated in the application form unless alternative finishes are submitted for the further written approval of the Planning Authority.

REASON – In the interests of visual amenity.

3. Access to the site shall be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department. This consent would cover details such as road widths, footways, road construction, turning area, street lighting, drainage etc. The nib out reducing the road width at entry will require to be removed.

REASON – In the interests of road safety.

4. Prior to the occupation of the last dwellinghouse to be completed on site the developer shall provide a 2m footway across the frontage of the site along the A713 and the existing footway opposite the site entrance along the B7013 will require to be extended for a distance of 15m to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of road safety.

5. Prior to the occupation of any of the dwellinghouses to be completed the shrubs within the developer's control to the Landel Cottage side of the new access must be removed to provide adequate visibility for the existing private driveway user and kerbing and a dropped kerb access crossing should be provided across this private access to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of road safety.

6. Prior to the occupation of any of the dwellinghouses to be completed the eight parking spaces and the six visitor parking spaces as shown on the site plan shall be delineated on the ground to the satisfaction of the Planning Authority.

REASON – In the interests of road safety.

7. The visibilities at the proposed revised junctions shall be kept free with no obstruction greater than one metre in height in the splays to the satisfaction of the Planning Authority in consultation with the Roads and Transportation Division.

REASON – In the interests of road safety.

8. Surface water runoff shall be disposed of on site via an appropriate method of Sustainable Urban Drainage systems which shall be installed and maintained in perpetuity to the satisfaction of the Planning Authority in consultation with Scottish Environment Protection Agency.

REASON – In the interests of public health and safety.

#### ➤ **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330. The internal roads must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site to confirm the manner by which foul drainage is to be accommodated and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These

Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.