

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE - 19 SEPTEMBER 2006

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 8 SEPTEMBER 2006 RELATING TO PLANNING APPLICATION NO 05/0959/OL: PROPOSED ERECTION OF DWELLINGHOUSE ON LAND ADJACENT TO 31 CARSPHAIRN ROAD, DALMELLINGTON

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 8 September 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 8 September 2006 considered a report dated 30 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, and in view of the contribution which the proposed development would make to the sustainability of the local community.
- 2.2 One objection was received in respect of this application. However, the objector was neither present nor represented at the meeting of the Southern Local Planning Committee held on 8 September 2006 and, 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 30 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 regard to the report by the Head of Planning, Development and Building Standards dated 30 August 2006, and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

12 September 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: 08 SEPTEMBER 2006

05/0959/OL: PROPOSED ERECTION OF DWELLINGHOUSE ON LAND
ADJACENT TO 31 CARSPHAIRN ROAD, DALMELLINGTON

APPLICATION BY MR DEREK TWEEDIE

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 Carsphairn 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 and in this regard, the proposal is not consistent with the provisions of the new finalised structure plan.

3.2 Outline consent is sought for the erection of a bungalow situated just outwith the southern boundary of Dalmellington falling within the Rural Diversification Area. Due to the location of the application site the residential development of this site would be contrary to both policies RES14 and RES17 of the East Ayrshire Local Plan.

3.3 To conclude, the proposed development is contrary to the development plan and with no justification in this instance supporting 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 represents 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: 08 SEPTEMBER 2006

05/0959/OL: PROPOSED ERECTION OF DWELLINGHOUSE ON LAND
ADJACENT TO 31 CARSPHAIRN ROAD, DALMELLINGTON

APPLICATION BY MR DEREK TWEEDIE

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

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

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies just outwith the southern settlement boundary of Dalmellington, directly adjacent to the A713 Ayr to Castle Douglas public road. The site is bounded to the west by a single storey dwellinghouse set back some 10 metres from the edge of the road. To the north lying on the opposite side of the main road a bungalow occupies a corner plot with extensive garden ground and directly adjacent to this is the junction where the A713 meets with the B7013. The land immediately to the east and south of the application site consists of relatively steeply climbing slopes of grass land and extensive shrubbery reducing in gradient to the south along the road frontage.

2.2 The site extends to an approximate area of 1300 metres² comprising of undulating undeveloped ground.

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

3. CONSULTATIONS AND ISSUES RAISED

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

Noted

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

- (i) The current visibilities at the plot frontage are sub standard and would require to be 2m by 90m to the north and 2m by 160m to the south.
- (ii) A 2 metre kerbed footway would be required along the frontage of the plot.
- (iii) An internal residents/visitor parking and turning area will be required within the application site
- (iv) Off road car parking accommodating 3 to 4 cars will be required within the application site.

The applicant has met with the Council's Senior Roads Engineer on site to discuss the proposed means of vehicular access which is taken directly from the A713 and has now satisfied the Roads and Transportation Division that the required visibility sightlines are achievable following ground works which would be required to allow for safe access to and from the site.

3.3 Scottish Water formally objects to this application as there are currently constraint issues at the wastewater network system in this area. Scottish Water will however remove this objection if the developer can demonstrate that the development will not have an impact on its assets or that suitable infrastructure can be put in place to support the development.

A note could be attached to any consent granted to advise the applicant to make early contact with Scottish Water, as the drainage of the site is a matter to be resolved between the two parties.

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.

4. REPRESENTATIONS

4.1 The planning application has not attracted any third party letters of representation.

Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (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 Dalmellington and is therefore contrary to policy ADS3.

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;
- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

The proposed house does not meet any of the above criteria as no additional information has been received to justify its location within the Rural Diversification Area. It is therefore contrary to policy G6.

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.

5.5 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.

5.6 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances.

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

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

5.7 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 Dalmellington.

5.8 This proposal is contrary to both the structure plan and local plan and is

therefore not acceptable in the context of 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, and the Replacement Ayrshire Joint Structure Plan (Finalised Version) 2006.

Consultations Responses

6.2 Although Scottish Water has objected to the proposed development, this is based on constraint issues at the wastewater network system and is a matter that the applicant will require to resolve directly with Scottish Water. The applicant has met with the Senior Roads Engineer on site to discuss the access arrangements should the application be approved in which some grading of the existing banking would be required to meet with the required junction visibility splays. The Roads Division have noted that this can be achieved and therefore can be conditioned to any consent granted.

Replacement Ayrshire Joint Structure Plan (Finalised Version)

6.3 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 reuse and redevelopment 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. 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 and is not acceptable in terms of the East Ayrshire Local Plan. It is therefore contrary to policy COMM 5.

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 and in this regard, the proposal is not consistent with the provisions of the new finalised structure plan.

8.2 Outline consent is sought for the erection of a bungalow situated just outwith the southern boundary of Dalmellington falling within the Rural Diversification Area. Due to the location of the application site the residential development of this site would be contrary to both policies RES14 and RES17 of the East Ayrshire Local Plan.

8.3 To conclude, the proposed development is contrary to the development plan and with no justification in this instance supporting 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 represents a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

RG/RG
FV/DVM
30 August 2006

LIST OF BACKGROUND PAPERS

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

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: 05/0959/OL

Location	LAND ADJACENT TO 31 CARSPHAIRN ROAD, DALMELLINGTON
Nature of Proposal:	ERECTION OF DWELLINGHOUSE
Name and Address of Applicant:	MR DEREK TWEEDIE 6 MACATRICK DRIVE BELLSBANK DALMELLINGTON
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 Dalmellington 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 Dalmellington 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 Diversification 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 G6 of the Ayrshire Joint Structure Plan and Policies RES14 and RES17 of the East Ayrshire Local Plan.

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