

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 06/0522/OL: PROPOSED ERECTION OF ONE DWELLINGHOUSE AND A DOUBLE GARAGE ON LAND AT KNOCKSHINNOCH, KNOCKSHINNOCH ROAD, NEW CUMNOCK

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 in view of the planning history of the site which had previously been identified as a potential residential site for travelling people and in view of the previous use of this brownfield site for industrial purposes.
- 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 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

**06/0522/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR THE
ERECTION OF ONE DWELLINGHOUSE AND DOUBLE GARAGE AT
KNOCKSHINNOCH, KNOCKSHINNOCH ROAD, NEW CUMNOCK**

APPLICATION BY MR. & MRS. PETER WARK

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse and double garage on the site. No details of the proposed dwellinghouse and double garage have been provided at this outline stage although an indicative layout has been provided showing the positions of the house and garage within the proposed residential plot.

1.2 The site plan indicates the demolition of the existing light industrial building to allow for the construction of the proposed house and garage. The site layout also shows the construction of a new workshop / light industrial building to the north of the proposed garage and house. Outline consent for the erection of this workshop / light industrial building was granted on 09 November 2005 (Ref. No. 05/0890/OL).

1.3 The applicant seeks outline consent for the proposed dwellinghouse and garage as an integral part of his proposal to accommodate his workshop orientated joinery business in terms of supervision.

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 the application; however it is considered that these would not support or justify any departure from policy in this case.

3.2 The proposed dwellinghouse cannot be justified in terms of the development plan based primarily on the security of the business. While it is recognised that the applicant wishes to relocate and expand his business, approval in outline has already been secured for this.

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 represent a significant departure from the East Ayrshire Local 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

**06/0522/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR THE
ERECTION OF ONE DWELLINGHOUSE AND DOUBLE GARAGE AT
KNOCKSHINNOCH, KNOCKSHINNOCH ROAD, NEW CUMNOCK**

APPLICATION BY MR. & MRS. PETER WARK

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 under the scheme of delegation, at the request of the Local Member

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies off the B741 New Cumnock to Dalmellington Road at the southern limit of Knockshinnoch Road within the site of the former Knockshinnoch Colliery. The site lies in an elevated position above Knockshinnoch Road and within an area fringed by trees.

2.2 The red line application site extends to approximately 1830 m², part of which is currently occupied by a light industrial building, previously being part of the former colliery complex. The applicant has indicated a wider land ownership extending to approximately 1.87 hectares. The site presents as being in a state of industrial dereliction.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse and double garage on the site. No details of the proposed dwellinghouse and double garage have been provided at this outline stage although an indicative layout has been provided showing the positions of the house and garage within the proposed residential plot.

2.4 The site plan indicates the demolition of the existing light industrial building to allow for the construction of the proposed house and garage. The site layout also shows the construction of a new workshop / light industrial building to the north of the proposed garage and house. Outline consent for the erection of this workshop / light industrial building was granted on 09 November 2005 (Ref. No. 05/0890/OL).

2.5 The applicant seeks outline consent for the proposed dwellinghouse and garage as an integral part of his proposal to accommodate his workshop orientated joinery business in terms of supervision.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council and National Air Traffic Services have 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 developments subject to conditions. The Division recommends that the private concrete access road be repaired by the applicant, as a minimum, up to at least the turning area at the junction of Knockshinnoch Farm to enable service vehicles (uplifting refuse) to turn safely at this point. A minimum of three off road parking spaces are required to be provided on the plot.

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

3.3 The Scottish Environment Protection Agency has no objections to the proposal provided that the foul drainage is connected to the public sewer. SEPA further requests that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

A note could be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA regarding the drainage of the site.

3.4 Power Systems has no adverse comments to make on these applications.

Noted

3.5 Scottish Water has no objections in principle to the proposed development provided that a separate application is made to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and/or water network.

Noted.

4. REPRESENTATIONS

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

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 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;

The proposed house does not comprise an acceptable form of residential development as defined in the local plan.

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

The proposed house would not provide for any of the above types of development.

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

The proposed house cannot be justified in terms of social and economic benefit to the community.

D contributes to rural land diversification: or

The proposed house would not contribute to rural land diversification.

E provides for the operational needs of agriculture and forestry.

No supporting information has been submitted to indicate that the houses are required for the operational needs of agriculture and forestry.

The justification received from the applicant states that the proposed house is required to accommodate a worker employed on the proposed adjacent industrial unit. This justification is not acceptable as defined by the local plan (see policy RES14 below) and therefore the proposal does not comply with Policy G6. Furthermore, in that the unit has not been constructed, the justification specified does not exist.

East Ayrshire Local Plan

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

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

As stated under Policy G6 above, the applicant has provided a justification stating that the proposed house is required for a worker in the proposed adjacent light industrial unit. This type of justification does not meet with the provisions of Policy RES13 (ii) as the requirement of a worker to live on site is not essential to the economic operation of the activity concerned. Security of a nearby business is not considered in itself to be an adequate justification in planning terms to obtain consent for a house in the rural area. Furthermore, in that the unit has not been constructed, the justification specified does not exist.

The proposed development does not comply with the provisions of policy RES14 and would therefore be 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 Replacement Ayrshire Joint Structure Plan (Finalised Version 2006), the consultation responses, the planning history of the site and the applicant's statement of support.

Replacement Ayrshire Joint Structure Plan

6.2 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 within any of the above types of housing as the light industrial unit is not considered to be a

business which has a requirement to be located in the rural area and which in any case does not justify or require the adjacent presence of a residential unit. Therefore the proposal is contrary to Policy COMM 5.

Consultations Responses

6.3 The consultation responses received would not indicate that the application should be refused.

Planning History

6.4 Outline planning consent for the erection of a workshop/ light industrial unit on the site immediately north of the current application site was approved on 09 November 2005 (Ref. No. 05/0890/OL).

Statement of Support

6.5 The applicant has submitted a letter in support of the application in an attempt to try to justify the development of the proposed dwellinghouse in tandem with the consent granted for the light industrial unit. This has been summarised with the conclusions noted below:

- During the early stages of our proposed development we had informal discussions with the local authority. We outlined our desire to develop this site as shown on the submitted plan. Our proposal was that we would demolish the existing dilapidated industrial unit and build a new unit to house our existing business, together with a dwellinghouse in which we would reside. We were advised that the proposal was contrary to policy but were also informed that there was development nearby which had been allowed and which also fell outwith the local plan. We were advised that our site may be considered favourably as it is a brownfield site.
- The planning authority advised that we had to submit two separate outline applications, one for the industrial unit and one for the house. We were subsequently informed that the light industrial unit was approved with certain conditions. The application for the house was refused due to us not having shown justification in terms of specific locational need. It has always been our intention to build a light industrial unit sufficient in standard to accommodate our existing business which is primarily a workshop orientated joinery business. The nature of this type of business is such that the fabric of the building housing this operation must be wind and watertight, well insulated and also secure. Our present rented workshop tenancy is under threat from proposed development by the local authority.
- In view of the high value of machinery and ancillary tools owned by the company, security is an issue we consider a 24 hour presence on site is essential. By submitting two separate applications for the site in question, we were denied the opportunity to justify the proposed dwelling in terms of

specific locational needs by the planning authority. No objections to either of the outline planning applications were lodged with the planning authority. Keen support for the proposed development has been shown by the local authority economic development department.

- The proposed development would provide our company with an affordable overhead structure and the approval of this development would bring a tangible benefit to the local community by providing further employment and training opportunities and by safeguarding existing local jobs. It would further enable our company to expand its joinery work, something which is not possible at present due to the limited space in our existing rented premises. Our company provides jobs in the local community and we are striving to secure the future of our company by our actions.

Security of a nearby business is not considered to be an adequate justification in planning terms to obtain consent for a house in the rural area. Approval in outline for the industrial unit has already been granted which would secure accommodation for the applicant's business. It is not considered that significant weight can be given to the supporting statement as a material consideration which would not therefore justify a departure from the development 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 the application; however it is considered that these would not support or justify any departure from policy in this case.

8.2 The proposed dwellinghouse cannot be justified in terms of the development plan based primarily on the security of the business. While it is recognised that the applicant wishes to relocate and expand his business, approval in outline has already been secured for this.

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 represent a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

HM/HM
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).
6. Replacement Ayrshire Joint Structure Plan (Finalised Version 2006)
7. Supporting Statement prepared on behalf of the applicant.
8. Previous applications 05/0890/OL and 05/0891/OL

Anyone wishing to inspect the above background papers should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0522/OL

Location	Knockshinnoch, Knockshinnoch Road New Cumnock
Nature of Proposal:	Proposed Outline Planning for the erection of one dwellinghouse and double garage
Name and Address of Applicant:	Mr. & Mrs. Peter Wark 91 Coal Road AUCHINLECK
Name and Address of Agent	W.G. Architectural Services 29 Blackburn Drive AYR

DPO's Ref:
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 in the countryside which does not meet the provisions of Policy G6 of the Ayrshire Joint Structure Plan. It is therefore contrary to the terms of this policy which requires that all five criteria are met in order that the proposal is acceptable.
2. Full planning permission is being sought for a residential development in the Rural Diversification Area for which no justification pertaining to an economic or agricultural need case has been submitted. The proposed development is therefore contrary to Policy RES14 of the East Ayrshire Local Plan.
3. The proposed development would constitute the erection of a dwellinghouse in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policy COMM 5 of the Replacement Ayrshire Joint Structure Plan (Finalised Version). The proposal would therefore not be in accordance with Policy COMM 5 of the Replacement Ayrshire Joint Structure Plan (Finalised Version 2006).

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