

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 1 AUGUST 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON
23 JUNE 2006 RELATING TO PLANNING APPLICATION NO 05/1152/OL:
PROPOSED ERECTION OF TWO DWELLINGHOUSES AT STONEPARK,
LOGANHILL ROAD, LOGAN**

**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 23 June 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 23 June 2006 considered a report dated 15 June 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, the Local Planning Committee being of the view that the proposed development would represent an acceptable departure from the Development Plan since it would result in a significant enhancement to the visual amenity of the site concerned and the locality within which it is located.
- 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 15 June 2006 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1** It is recommended that this Committee consider the planning application with reference to the report by the Head of Planning, Development and Building Standards dated 15 June 2006, 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

27 June 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: 23 JUNE 2006

**05/1152/OL: PROPOSED ERECTION OF TWO DWELLINGHOUSES
(BUNGALOWS)
AT STONEPARK, LOGANHILL ROAD, LOGAN
BY J MUIR & J HODGE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Outline planning permission is being sought for the development of the site for residential purposes for two dwellinghouses. No details of the layout or house types have been submitted at this stage other than their being referred to as bungalows. The size of the site and available frontage onto the Loganhill Road would indicate that two dwellinghouses would be easily accommodated within the site.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application under consideration is for a residential development of two dwellings on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area other than the applicants supporting statement. The letter of support indicates that the applicants are considering the use of energy efficient methods of power generation and propose to enhance the visual amenity of the area of ground which is currently in an

overgrown derelict condition. However, although the land does not appear to be in any agricultural use and is overgrown and untidy in appearance, this in itself does not provide a justification for a departure from policy. It is within the power of the Planning Authority to improve the condition of the site through enforcement action in the final instance but, preferably, through discussion with the landowners.

3.3 In the absence of any specific locational need for this residential development there is no justification for approval that would represent a significant departure from the development plan and set a precedent for similar non compliant development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 JUNE 2006

**05/1152/OL: PROPOSED ERECTION OF TWO DWELLINGHOUSES
(BUNGALOWS)
AT STONEPARK, LOGANHILL ROAD, LOGAN
BY J MUIR & J HODGE**

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 at the request of the Local Member under the scheme of delegation because the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies some 550 metres south east of Logan and is located on the east side of the Loganhill Road (Uc36) approximately 460 metres south of the junction of the Loganhill Road with the Glenmuir Road. The site lies to the north of the existing residential property known as Stonepark

2.2 The site extends to approximately 0.33 hectare and is a level site. The present use of the land appears to be associated with the existing property at Stonepark but is in an overgrown and untidy condition with several items of scrap and remnants of small enclosures strewn across it including scrap vehicles and a caravan. The presence of reeds throughout the site would indicate that the land is poorly drained.

2.3 **Proposed Development:** Outline planning permission is being sought for the development of the site for residential purposes for two dwellinghouses. No details of the layout or house types have been submitted at this stage other than their being referred to as bungalows. The size of the site and available frontage onto the Loganhill Road would indicate that two dwellinghouses would be easily accommodated within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposed developments subject to the following road safety requirements being met:

- (i) Minimum visibility splay areas of 2.5 metres by 120 metres to the north of the site and 2.5 metres by 160 metres to the south of the site shall be required to be formed and maintained at the access road with no object greater than 1 metre in height allowed within these areas.
- (ii) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads standards.
- (iii) Any roadside ditch shall be piped and protected beneath the proposed access.
- (iv) The applicant shall form a 2 metre wide kerbed pedestrian refuge/verge along the frontage of the site.
- (v) No surface water shall be allowed to discharge onto the public road.
- (vi) A minimum of 3 number off road car parking spaces shall require to be provided for each dwelling.
- (vii) The private driveways shall require to be paved for a minimum distance of 5 metres from the edge of the public road.
- (viii) The proposed driveways shall not be less than 10.5 metres in length by 5 metres wide.
- (ix) Any gates shall require to open inwards away from the public road.
- (x) Access to and egress from the site shall be taken in forward gear.

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

3.2 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. Conditions could be attached to any consent granted for the development to meet the requirements of Scottish Water.

3.3 The Scottish Environment Protection Agency has no objection to the proposed development provided the drainage arrangements are to its satisfaction. In view of the absence of a suitable watercourse for the acceptance of septic tank effluent, it is recommended that a sub-soil soakaway system is used for effluent disposal. The septic tank and blind soakaway must be designed and constructed in accordance with the current code of practice. This will require the applicant to carry out percolation testing on site to assess the suitability of the sub-soil for effluent disposal. If ground conditions prove unsuited to this type of effluent disposal then SEPA would consider a consent application for a discharge of a fully biologically treated sewage effluent to a burn. Surface water must be excluded from the septic tank to minimise the amount of drainage being treated and should be discharged to the burn via a suitably designed SUD system, such as a filter trench or French drain. Waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

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

3.4 Power Systems has no objection in principle to the proposed development.

Noted.

3.5 Cumnock Landward Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

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

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). The application site relates to an area of land located in the Rural Diversification Area.

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;
- 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.

No justification for the proposed development has been made by the applicant in terms of the above criteria. The proposed development is therefore considered contrary to structure plan policy.

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:

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

No supporting information has been submitted which would suggest that the houses are required for categories of development detailed in Policy RES 13. Policy RES 13 supports, in summary, housing in the Rural Protection Area for farm workers, for those employed in a rural enterprise, where on site staff are required and as part of an enabling development.

- (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, subject to a set of stated criteria being met, ***There is not a clearly defined group of four or more houses at this location.***
- (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.

The above criterion is not applicable to this application.

The proposal does not meet any of the above criteria and is therefore contrary to policy RES 14.

5.4 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:

- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

It is considered that the development would constitute an addition to sporadic development in the countryside and create a ribboning of development along a public road in a rural location. The development is therefore considered to be contrary to this element of the policy.

The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policies RES 14 and RES 17 (vi). The proposal cannot therefore be supported in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses the planning history of the site, the Finalised Ayrshire Joint Structure Plan and a letter of support for the application from the two applicants.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues

would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development.

Planning History

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

- 04/1161/OL – An outline planning application for the change of use from derelict land to the erection of dwelling houses was refused by the Southern Local Planning Committee on 28 January 2005.

Supporting Statement

6.4 We are submitting this letter in support of our application for outline planning for two dwelling houses at Stonepark Loganhill Road. This land is an overgrown and derelict garden and has been used as a dumping ground for all sorts of rubbish for many years. We feel that the outlook can only be enhanced by our proposed development as we would landscape the area ensuring that it blends with the surrounding countryside. We are also considering some eco friendly and energy efficient designs for the dwellings and some renewable energy options such as micro turbines and solar panels.

6.5 Having spoken to the residents in the neighbouring properties during the neighbour notification process they have all agreed and are anxious to support this application. I also feel that should this application be rejected the condition of the site could only deteriorate. I would also like to add that we have a great desire to live in the countryside where we enjoy walking and there is plenty of open space and good clean air.

Ayrshire Joint Structure Plan (New Finalised Version)

6.6 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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application under consideration is for a residential development of two dwellings on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area other than the applicants supporting statement. The letter of support indicates that the applicants are considering the use of energy efficient methods of power generation and propose to enhance the visual amenity of the area of ground which is currently in an overgrown derelict condition. However, although the land does not appear to be in any agricultural use and is overgrown and untidy in appearance, this in itself does not provide a justification for a departure from policy. It is within the power of the Planning Authority to improve the condition of the site through enforcement action in the final instance but, preferably, through discussion with the landowners.

8.3 In the absence of any specific locational need for this residential development there is no justification for approval that would represent a significant departure from the development plan and set a precedent for similar non compliant development.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

15 June 2006
(RGSD/MMM)

FV/DVM

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. Supporting Statement.

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

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 05/1152/OL

Location: Stonepark
Loganhill Road
LOGAN
Cumnock

Nature of Proposal: Proposed Erection of Two
Dwellinghouses (Bungalows)

Name & Address of Applicant: J Muir & J. Hodge
4 Hemmings Way
CUMNOCK
KA18 1NT

Name & Address of Agent:

DPO's Ref: RG/SD
PPO's Ref: Hugh Melvin

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

1. The proposed development would constitute the erection of two new dwellings in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES 13 and RES 14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES 13 and RES 14 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute sporadic development in the countryside and would create a ribboning of development along the Loganhill Road in a rural location. The proposal would therefore not be in accordance with Policy RES 17 (vi) of the Adopted East Ayrshire Local Plan.

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1152/OL

Location	STONEPARK, LOGANHILL ROAD, LOGAN, CUMNOCK
Nature of Proposal:	PROPOSED ERECTION OF TWO DWELLINGHOUSES-(BUNGALOWS)
Name and Address of Applicant:	J. MUIR & J. HODGE 4 HEMMINGS WAY CUMNOCK KA18 1NT
Name and Address of Agent	N/A

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

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

1. The proposed development would constitute the erection of two new dwellings in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan.
2. The proposed development would constitute sporadic development in the countryside and would create a ribboning of development along the Loganhill Road in a rural location. The proposal would therefore not be in accordance with Policy RES 17 (vi) of the Adopted East Ayrshire Local Plan.

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