

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005

**05/0416/OL: PROPOSED ERECTION OF DWELLINGHOUSE
ON LAND ADJACENT TO A. ALSTON AND SONS LTD, NEW CUMNOCK**

APPLICATION BY MR. A. ALSTON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the development of the site for residential purposes for one dwellinghouse. No details of the layout or house types have been submitted at this stage. Access to the plot would be taken off the U743 Road.

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 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 a dwelling on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area.

3.3 Furthermore, 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.

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.

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APPLICATION BY MR. A. ALSTON

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 because the proposed development is contrary to policy and is recommended for refusal.

1.2 This application was presented to the Southern Local Planning Committee at its meeting on 17 June 2005 at which time the Committee agreed to continue consideration of this application to the next meeting in order to enable the Head of Planning, Development and Building Standards to seek clarification from the applicant as to whether there is any business related justification for the proposed development.

1.3 The applicant's agent was contacted by letter on 21 June 2005 seeking the clarification requested by the Committee but to date no response has been received in this regard.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 2.7 km south of Cumnock and 4.2km north-west of New Cumnock. The site lies on the west side of the U743 Benston to Skares Road and lies some 30 metres north of the junction of this road with the C36 Benston Road.

2.2 The site lies immediately north of the existing agricultural engineering workshop premises at Benston Smithy and forms part of a larger field that is presently rough grazing land. Apart from lying adjacent to the existing surfaced yard area of Benson Smithy, the application site has no existing defined physical boundaries. The site extends to approximately 0.4 hectare and is relatively level although rises gently from east to west. The site is otherwise bounded by agricultural land.

2.3 **Proposed Development:** Outline planning permission is sought for the development of the site for residential purposes for one dwellinghouse. No details of the layout or house types have been submitted at this stage. Access to the plot would be taken off the U743 Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a tarred standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 160 metres will require to be formed and maintained at the access with no obstruction greater than 1 metre in height allowed within these areas. These sightlines must be shown on any full planning application submission and may require a Section 75 Agreement to trim or lower hedges and trees depending on the final location of the access point. Any roadside ditch must be piped and protected beneath the proposed access. The applicant will require to form a 2 metres wide kerbed pedestrian refuge/verge along the frontage of the site. No surface water must be allowed to discharge onto the public road from the site. Off road parking spaces will require to be provided for the dwelling in accordance with the Roads Development Guide. Any garage must be set back a minimum distance of 6 metres from the rear of the footway / verge. The private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway / verge to avoid overcarry of loose material onto the public road. An internal car turning area must be formed within the site to allow vehicles to enter and leave the site in forward gear. A 3 metres wide servicing lay-by may require to be formed by the applicant adjacent to the public road. The applicant must contact the Roads Division for further details / specification and a Road Opening permit will be required.

Conditions can 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 indicated that there is a 16" water main located within the development site that may be affected by the proposed development. Contact should be made with Developer Services to discuss measures that may need to be taken to safeguard this apparatus.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Water.

3.3 The Scottish Environment Protection Agency has no objection to the proposed development provided the foul drainage from the site connects to a

septic tank and total soakaway arrangement or mound system. Please note that SEPA understands that the proposal does not involve a discharge of treated foul drainage to a watercourse either directly or indirectly. The discharge of sewage effluent to a total soakaway arrangement or mound system does not necessarily require SEPA's consent in terms of the Control of Pollution Act 1974 (as amended). As SEPA considers at this time its consent will not be required, it is recommended that you refer this application to your Building Control Department, as its interests will be affected. Where feasible, rainwater from the roof and driveways should be drained via SUDS.

A note can 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 New Cumnock Community Council has not responded to the consultation letter.

Noted.

4. **REPRESENTATIONS:** None

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. Despite clarification having been sought with regard to a potential business need for the proposed development, this has not been provided by the applicant. 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 house is required for categories of development detailed in Policy RES 13. Despite clarification having been sought with regard to a potential business need for the proposed development, this has not been provided by the applicant.

- (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.

Consultation Responses

6.2 None of the consultation responses have raised any issues that would indicate that the application should be refused although a number of issues would require to be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

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 a dwelling on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area.

8.3 Furthermore, 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.

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

28 June 2005
HM/HM

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. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0416/OL

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|--------------------------------|--|
| Location | Land adjacent to A. Alston and Sons Ltd. (Benston Smithy) NEW CUMNOCK |
| Nature of Proposal: | Proposed erection of dwellinghouse |
| Name and Address of Applicant: | Mr. A. Alston Wellhill Cottage NEW CUMNOCK KA18 4QD |
| Name and Address of Agent | ACA 4 Edmiston Avenue PRESTWICK KA9 1RU |

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 a new dwellinghouse 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 an addition to sporadic development in the countryside and create a ribboning of development along the U743 public 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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