

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 DECEMBER 2005

**05/0578/FL: PROPOSED ERECTION OF A DWELLINGHOUSE ON LAND
ADJACENT TO AYRSHIRE CONSTRUCTION YARD,
SORN ROAD, AUCHINLECK**

APPLICATION BY MR. & MRS. MCPHEATORS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a seven apartment, single storey dwellinghouse on the site. The proposed dwellinghouse is of traditional style and design in keeping with its rural location and is to be finished externally in a render finish with grey roof tiles. Windows show traditional vertical proportions with the smooth cement bands around door and window openings. The proposal also includes the erection of a detached garage located to the rear of the proposed dwellinghouse and finished in materials to match.

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 While appreciating the issues of theft and vandalism raised by the applicant, it is considered that the aspect of security or supervision of the existing businesses is not considered to be of sufficient weight to justify a departure from policy in this instance.

3.3 It is noted that there are no third party objections and there are no significant adverse comments from consultees. Amended plans have also been

submitted by the applicant promoting an acceptable house design appropriate to this rural location. However, in the absence of any specific locational need for this residential development, there is no justification for approval that would represent a 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, based on the view that the proposed dwelling is essential to the security and supervision of the existing established businesses, the application will not require to be referred to the Development Services Committee because it would not 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. & MRS. MCPHEATORS

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

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 1 mile north of Auchinleck and lies on the eastern side of the Uc30 Glenshamrock Road approximately 75 metres south-east of the junction of this road with the B705 Auchinleck – Catrine Road. The site lies immediately south of the access road leading to Ayrshire Construction's yard and north of the properties at Gilmilnscoft Cottages.

2.2 The site extends to approximately 0.14 hectare with the site gently sloping from west to east. The site has been cleared of vegetation and hardcore bottoming has been put down.

2.3 **Proposed Development:** Full planning permission is sought for the erection of a seven apartment, single storey dwellinghouse on the site. The proposed dwellinghouse is of traditional style and design in keeping with its rural location and is to be finished externally in a render finish with grey roof tiles. Windows show traditional vertical proportions with the smooth cement bands around door and window openings. The proposal also includes the erection of a detached garage located to the rear of the proposed dwellinghouse and finished in materials to match.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Visibility sightline splay areas of 2.5 metres by 120 metres will require to be formed and maintained at the site access with no obstruction to visibility greater than 1 metre in height being allowed within these areas. Access to the site must be taken via a standard access crossing to East Ayrshire Roads Division standards. The roadside ditch must be piped (minimum pipe diameter 450 mm) and protected beneath the proposed access and a trash screen to the satisfaction of the Roads Authority fitted to the upstream end of the pipe. No surface water must be allowed to discharge onto the public road. A minimum of three off road parking spaces will require to be provided for the dwelling. The garage must be set back a minimum of 6 metres from the edge of the public road. The private access will require to be paved for a minimum distance of 5 metres from the edge of the public road carriageway to avoid overcarry of loose material onto the public road. The applicant shall require to widen the existing public road to form a 2.5 metres wide service lay-by at the site entrance. Access and egress from the site will require to be taken in forward gear. Any access gates will require to open inwards away from the public road. The existing passing place on the single track road must be maintained.

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 adverse comments to make on the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency states that it has no objections in principle to the proposals provided the drainage arrangements are to its satisfaction. The effluent from the septic tank must not be discharged directly to the ditch as proposed in the plans enclosed with the application. SEPA however may consider an application for a discharge of fully treated effluent (reed bed). 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. All 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.

Conditions and notes 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 and to ensure that the proposed drainage of the site meets with the requirements of SEPA.

3.4 Sorn Community Council has no comments to make on the proposed development.

Noted.

3.5 Transco and Power Systems have no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

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; or

No supporting information has been submitted which would suggest that the house was required for categories of development detailed in policy RES 13.

- (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,

The proposal does not constitute a limited addition to a clearly defined group of four or more dwellings.

- (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 principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policy RES 14. 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 and the supporting statement submitted by the applicant.

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

Supporting Statement by Applicant

6.3 The dwellinghouse proposed is directly related to the applicant's existing business at Gilmilnscoft which, in common with Ayrshire Construction, is subject to break-ins, vandalism and theft. Despite tools and machinery being stored in secure containers, break-ins are unfortunately experienced on a regular basis, the last being May 2005 when valuable saws and cable-avoiding tools were stolen.

6.4 Both contractors' yards also experience damage to vehicles and equipment stored or parked overnight in the open yards, with slashed tyres a regular occurrence. Given the problems experienced at Gilmilnscoft, it is deemed essential that a dwellinghouse be built at the premises in order to provide additional security for the yards. The proposed house should accordingly be viewed as an essential and integral part of an existing business establishment.

6.5 Given that the siting of the proposed house at the roadside entrance to the driveway up to the yards, the house will provide a direct presence on site and be an obvious deterrent to potential intruders and unwelcome visitors. It is submitted that the proposed development accords with the spirit of the Council's policies for the rural diversification area and will help secure the future of two existing businesses which currently employ approximately 12 people. The proposed house is required in relation to established existing businesses and not some new business proposed for the countryside area.

While appreciating the issues raised by the applicant, it is considered that the aspect of security or supervision of the existing businesses is not considered to be of sufficient weight to justify a departure from policy in this instance.

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 While appreciating the issues of theft and vandalism raised by the applicant, it is considered that the aspect of security or supervision of the existing businesses is not considered to be of sufficient weight to justify a departure from policy in this instance.

8.3 It is noted that there are no third party objections and there are no significant adverse comments from consultees. Amended plans have also been submitted by the applicant promoting an acceptable house design appropriate to this rural location. However, in the absence of any specific locational need for this residential development, there is no justification for approval that would represent a 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, based on the view that the proposed dwelling is essential to the security and supervision of the existing established businesses, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

21 November 2005
HM/HM
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 by Applicant

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: 05/0578/FL

Location	Land Adjacent to Ayrshire Construction Sorn Road AUCHINLECK KA18 2NA
Nature of Proposal:	Proposed erection of a dwellinghouse
Name and Address of Applicant:	Mr. & Mrs. McPheators 116 Ballochmyle Avenue AUCHINLECK KA18 2JQ
Name and Address of Agent	N/A

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

The above **FULL** application should be refused for the following reason:-

1. The proposed development would constitute the erection of a new dwellinghouse in the countryside without appropriate 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.

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