

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005

**04/0961/OL: PROPOSED ERECTION OF ONE DWELLINGHOUSE AT LAND
AT SPRINGFIELD, RIGG ROAD, CUMNOCK**

APPLICATION BY MR & MRS MANDERSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicants have not submitted a justification in terms of a site specific locational need case but have submitted a letter in support of the proposed development in respect of it consolidating the existing dwellings and have requested that the application is considered on its merits.

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, however it is not considered that these would indicate the recommendation should be one of approval contrary to the development plan.

3.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside. No justification pertaining to an economic need case has been submitted; however the applicant has submitted a letter in support of the application and this letter makes the following points:

- the site is not an isolated development in the countryside
- the site is self contained with an existing delineated boundary, within a small scale residential development

- the site will consolidate the existing dwellings and not result in any linear expansion of the existing housing group
- the site would not constitute or add to sporadic or ribboning development of the existing housing group
- the site does not conform to any of the points of refusal under Policy RES17 of the local plan
- if the site was located at the other end of Rigg Road, the policies of the Rural Diversification Area (Policy RES14) would be relevant that would be supportive of an application such as this one

3.3 Albeit the site is located within the proximity of an existing group of dwellings and it is accepted that it would not constitute ribbon development there is no scope within the Rural Protection Area policies for consolidating groups of houses. The site is situated well outwith the Rural Diversification Area and while the points raised in the applicant's letter are material planning considerations, it is not considered that they form a justification for the proposed dwellinghouse as a departure from current policies. In the absence of a demonstrable need case the recommendation must therefore be one of refusal.

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 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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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 as the proposed development is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approximately 45 metres to the north side of the Rigg Road, near the settlement of Auchinleck. It comprises an area of rough overgrown land to the rear of an existing residential property known as Springfield and is situated at the end of a shared access to this property and another existing dwellinghouse known as Coppergrove.

2.2 Within the vicinity of the site there are a number of residential properties, some of which are new. The group however does not comprise a settlement and is located within the Rural Protection Area of the countryside. The site itself forms a largely square area which has a slight south to north gradient. Agricultural land lies to the rear of the site which is bound by semi mature fir trees to the neighbouring residential properties.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicants have not submitted a justification in terms of a site specific locational need case but have submitted a letter in support of the proposed development in respect of it consolidating the existing dwellings and have requested that the application is considered on its merits.

3. CONSULTATIONS AND ISSUES RAISED

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

- (i) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Department;
- (ii) existing junction visibilities of 2.5m by 120m to the west and 2.5m by 90m to the east are required to be maintained at the junction of Rigg Road and no fencing, buildings etc over one metre will be allowed within these areas;
- (iii) no surface water must be allowed to discharge onto the public road;
- (iv) 3 number off road parking spaces will require to be provided for the dwelling;
- (v) any garages must be set back a minimum distance of 6m from the rear of the footway;
- (vi) the private driveway 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;
- (vii) the proposed driveway should be not less than 4.8m in length by 2.5m wide;
- (viii) any gates will require to open inwards;
- (ix) access to and egress from the site will require to be taken in forward gear;
- (x) the applicant will require to form a kerbed verge along the frontage of the site adjacent to Rigg Road.

The applicant has discussed the above road safety requirements with the Roads and Transportation Division which has confirmed that the above can be met. The existing visibility splays can be maintained as they are along the verge of the public road. It is therefore recommended that the above are imposed as conditions on the consent should the Committee be minded to approve the application.

3.2 Scottish Water has advised there are no known sewers to which a connection may be made from the proposed development.

The applicant proposes to install a septic tank to dispose of foul drainage.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its satisfaction. In this regard a septic tank alone will not be sufficient and SEPA have recommended that effluent from the development be connected to a suitably sized septic tank and reed bed system or sewage treatment plant. Surface water should be excluded from the septic tank.

A note can 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 Scottish Power has no objection to the proposed development.

Noted.

3.5 Transco has advised there is a 180m Medium Pressure Main which has a Building Proximity Distance of 3 metres that runs through the plot. Transco has advised that this information has been sent directly to the applicant.

Noted.

3.6 Auchinleck Community Council has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 This 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 and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are especially relevant to the proposed development.

East Ayrshire Local Plan

5.3 Policy RES13 is supportive of residential development of houses in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated purposes, these being:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;

- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on site accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8.

In accordance with Policy RES13, and given the absence of a site specific locational need on the above basis, the proposal is contrary to this policy and cannot be supported.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate the application should be refused.

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, however it is not considered that these would indicate the recommendation should be one of approval contrary to the development plan.

8.2 Outline planning permission is being sought for the erection of a dwellinghouse in the Rural Protection Area of the countryside. No justification pertaining to an economic need case has been submitted; however the applicant has submitted a letter in support of the application and this letter makes the following points:

- the site is not an isolated development in the countryside
- the site is self contained with an existing delineated boundary, within a small scale residential development
- the site will consolidate the existing dwellings and not result in any linear expansion of the existing housing group
- the site would not constitute or add to sporadic or ribboning development of the existing housing group
- the site does not conform to any of the points of refusal under Policy RES17 of the local plan
- if the site was located at the other end of Rigg Road, the policies of the Rural Diversification Area (Policy RES14) would be relevant that would be supportive of an application such as this one

8.3 Albeit the site is located within the proximity of an existing group of dwellings and it is accepted that it would not constitute ribbon development there is no scope within the Rural Protection Area policies for consolidating groups of houses. The site is situated well outwith the Rural Diversification Area and while the points raised in the applicant's letter are material planning considerations, it is not considered that they form a justification for the proposed dwellinghouse as a departure from current policies. In the absence of a demonstrable need case the recommendation must therefore be one of refusal.

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 development plan.

Alan Neish
Head of Planning, Development and Building Standards

11 February 2005
NM/NM/SMB
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).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0961/OL

Location	Land at Springfield Rigg Road CUMNOCK KA18 3JB
Nature of Proposal:	Proposed outline planning permission for one dwellinghouse
Name and Address of Applicant:	Mr & Mrs Manderson 155 Glaisnock Street CUMNOCK KA18 1JT
Name and Address of Agent	

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

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

1. No justification has been submitted for the proposed dwellinghouse which would enable its location in the Rural Protection Area to be considered favourably. It would therefore breach the provisions of Policy RES13 of the East Ayrshire Local Plan which requires that proposals to erect new dwellinghouses meet the criteria as stated in the terms of the policy. The proposed development does not meet these criteria and is therefore contrary to the development plan.

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