

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 JANUARY 2005

**04/1161/OL: PROPOSED CHANGE OF USE FROM DERELICT LAND TO THE
ERECTION OF TWO DWELLINGHOUSES AT STONEPARK, LOGANHILL
ROAD, LOGAN**

APPLICATION BY J. MUIR & J. HODGE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 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. However, 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. 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 two dwellings on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area. 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.

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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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.

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. However, 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 Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 120 metres to the north and 2.5 metres by 160 metres to the south will require to be formed and maintained at the access onto the Loganhill Road with no obstruction greater than 1 metre in height allowed within these areas. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads standards. 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. A minimum of 3 off road parking spaces will require to be provided for each dwelling. Each private driveway will require to be paved for a minimum distance of 5 metres from the rear of the footway to avoid overcarry of loose material onto the public road. Any garages must be set back a minimum of 6 metres from the rear of the footway. Any gates will require to open inwards away from the public road. Each driveway must incorporate a turning area to allow vehicles to enter and leave in forward gear and should not be less than 10.5 metres in length by 5.0 metres wide.

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 not responded to the consultation letter.

Noted.

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 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 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.

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.

- (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 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

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. 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.

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

11 January 2005
HM/HM/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 Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/1161/OL

Location	Stonepark, Loganhill Road, Logan, CUMNOCK
Nature of Proposal:	Proposed change of use from derelict land for the erection of two dwellinghouses.
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 an addition to sporadic development in the countryside and create a ribboning of development along the Loganhill 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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