

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MARCH 2004

**04/0063/FL: PROPOSED ERECTION OF SINGLE STOREY
DWELLINGHOUSE WITH INTEGRAL GARAGE, KNOCKSHINNOCH ROAD,
NEW CUMNOCK**

APPLICATION BY MR & MRS E.H. ROBERTS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single storey, three-apartment dwellinghouse with integral garage on the site. The dwellinghouse is to be finished in contrasting facing brick with grey roof tiles. Access to the plot is to be taken from Knockshinnoch Road.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason 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 in Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

3.2 The proposed house lies outwith the settlement boundary of The Leggate and does not meet with the provisions of both the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan. It is therefore not acceptable in planning policy terms and should be refused on these grounds.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee because there would be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

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 and Building Control

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 as the application is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the east side of Knockshinnoch Road in New Cumnock, and lies some 95 metres south of the junction of Knockshinnoch Road with The Leggate. The site forms part of a larger agricultural field in pastoral use and lies opposite the existing children's play park on Knockshinnoch Road and lies some 25 metres south of a recently constructed dwellinghouse. The Knockshinnoch Road leads to the former Knockshinnoch Colliery site.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey, three-apartment dwellinghouse with integral garage on the site. The dwellinghouse is to be finished in contrasting facing brick with grey roof tiles. Access to the plot is to be taken from Knockshinnoch Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council has not responded to the consultation letter.

Noted.

3.2 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided that the drainage arrangements are to the satisfaction of Scottish Water.

Noted.

3.3 The Coal Authority, Transco and Power Systems have no objections to the proposed development.

Noted.

3.4 Scottish Water has stated that there is water apparatus located within the development site that may be affected by the proposed development. Contact should be made with Developer Services to discuss what measures are to be taken to safeguard this apparatus. The applicant must make separate application to connect to the public sewerage system.

Noted. Should the application be approved, appropriate notes in respect of the above can be included on the planning permission.

3.5 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development subject to conditions regarding the provision of a footway, the provision of off-road parking, surfacing of the site access, surface water and access gates.

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

4. REPRESENTATIONS

4.1 No third party representations have been received in respect of the application.

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 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;

This proposal is not acceptable in terms of policy RES 14 of the East Ayrshire Local Plan (see 5.3 below).

- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

The proposed house does not fall under any of the above categories.

- C can be justified in terms of social and economic benefit to the community;

It is considered that a house would not be of social or economic benefit to the community.

- D contributes to rural land diversification: or

The proposal does not contribute to rural land diversification.

- E provides for the operational needs of agriculture and forestry.

The proposal does not provide for the operational needs of agriculture or forestry.

The proposal is therefore contrary to Structure Plan Policy G6.

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

The applicant has not submitted any supporting information to justify the proposed house in terms of 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; or

The proposed house is located just outwith the settlement boundary of The Leggate. It is not considered to meet this criterion, as it does

not constitute a limited addition to four or more houses not delineated by a settlement boundary.

(iii) the proposed development constitutes a very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy.

The proposed development does not meet this criterion.

The proposed development is therefore considered to be contrary to Policies RES13 and RES 14 of the East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material consideration relevant to the determination of the application is the consultation responses.

Consultation Responses

6.2 The consultation replies do not indicate that 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 in Section 6 of the report, there are material considerations relevant to this application. These considerations have been assessed and are not considered to be of sufficient weight to justify approval of the application contrary to the provisions of the development plan.

8.2 The proposed house lies outwith the settlement boundary of The Leggate and does not meet with the provisions of both the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan. It is therefore not acceptable in planning policy terms and should be refused on these grounds.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reason 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 and Building Control, the application will require to be referred to the Development Services Committee because there would be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

12 March 2004
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).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555 483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0063/FL

Location	Plot E, Knockshinnoch Road, New Cumnock, KA18 4PP
Nature of Proposal:	Proposed erection of single storey dwellinghouse with integral garage
Name and Address of Applicant:	Mr & Mrs EH Roberts, 15 Mansefield Road, New Cumnock
Name and Address of Agent	Construction Design Associates, 19B Academy Street, Coatbridge, ML5 3AW

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

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

1. The proposed development would constitute the erection of a new dwelling 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 RES 13 and RES 14 of the Adopted East Ayrshire Local Plan.

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