

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005

**05/0255/FL PROPOSED ERECTION OF DWELLINGHOUSE AT BURNSIDE,
NEW CUMNOCK**

APPLICATION BY MR E CONQUER

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of one dwellinghouse within the application site. The proposed dwelling consists of a 3 bedroom bungalow facing in a north-west direction finished in white roughcast, buff facing brick, black Marley Modern roof tiles and oak finished uPVC windows. The access to the proposed development would be taken from the existing residential roads serving Burnside.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. CONCLUSIONS

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 are supportive of the application.

3.2 Full Planning Permission is sought for the erection of a single storey dwellinghouse within Burnside. This would complete the residential development along the southern section of this former community. The dwellinghouse is seen as acceptable in terms of its design with any discrepancies over proposed materials being addressed with the imposition of suitable conditions. The proposal is not perceived to have any detrimental impact on the visual amenity of the area nor on the residential amenity of dwellinghouses in the vicinity.

3.3 To conclude, although a precedent has been set in the past for residential development at this location the proposal still remains contrary to the current provisions of policy RES14 of the East Ayrshire Local Plan and policy G6 of the Ayrshire Joint Structure Plan and therefore the recommendation must be one of refusal. However, given the planning history of the site, should the committee be minded to approve this application, it would not represent a significant departure from policy.

3.4 Bearing in mind the history of planning approvals at this location, if the Committee is minded to approve this application, then in order to prevent further inappropriate piecemeal and incremental development at this location, a master plan should be prepared for the area. In this regard, the Committee may wish to request the Head of Planning, Development and Building Standards to prepare a master plan for the area and enter into discussions with the land owner concerned.

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 would not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local 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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005

**05/0255/FL PROPOSED ERECTION OF DWELLINGHOUSE AT BURNSIDE,
NEW CUMNOCK**

APPLICATION BY MR E CONQUER

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 application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposal is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within Burnside, approximately 3km south west of New Cumnock, on the southern side of the B741 New Cumnock/Dalmellington Road. The application site is located in the south west corner area of the former mining community of Burnside where only 11 of the original dwellings remain, the other dwellings having been demolished some time ago. In total, six new dwellings have been approved in recent times, with only two completed, establishing a residential perimeter to the west and southern section of Burnside.

2.2 The application site is level and covers an approximate area of 840 metres². The land bounding the application site is brownfield overgrown land to the north with agricultural land immediately to the south and south west. To the east the site bounds an adjacent plot which has planning consent for the erection of a single dwellinghouse. The land directly to the west of the red line site forms part of an access road where three new dwellinghouses are in the process of being constructed.

2.3 **Proposed Development:** Full planning permission is sought for the erection of one dwellinghouse within the application site. The proposed dwelling consists of a 3 bedroom bungalow facing in a north-west direction finished in white roughcast, buff facing brick, black Marley Modern roof tiles and oak finished uPVC windows. The access to the proposed development would be taken from the existing residential roads serving Burnside.

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Cumnock Community Council has not responded to the consultation letter at the time of writing this report

Noted

3.2 Scottish Water has no objection to the proposal providing the applicant makes a separate application to Scottish Water (Planning and Development Services) team for permission to connect to the public waste water system and/or water network at the appropriate time.

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

3.3 Scottish Environment Protection Agency has no objection to the proposal providing surface water run-off from the roof and hard standing areas are drained via Sustainable Urban Drainage System.

A note can be attached to any consent granted for the development to advise the applicant to make early contact with SEPA regarding the drainage of the site.

3.4 Power Systems has no adverse comments to make on this application

Noted

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development. A 2 metre wide footway will require to be constructed along the public road frontage of the site by the developer to the satisfaction of the Roads Division in the interests of road safety. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads Division standards. The proposed driveway/parking area should not be less than 6 metres in length by 4.8 metres wide for a 2/3 bedroom house. Furthermore, it is recommended that conditions are attached regarding parking provision, the siting of future garages and the surfacing of the access road.

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

4. REPRESENTATIONS

4.1 No letters of representation have been received with regard to the proposed development.

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).

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;

The proposed house does not comprise 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;

N/A

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

The proposal cannot be justified in terms of social and economic benefit to the community.

D contributes to rural land diversification: or

A new house would not contribute to rural land diversification.

E provides for the operational needs of agriculture and forestry.

The proposed house is not required for the operational needs of agriculture or forestry.

Given that the proposal meets none of the above criteria, it is 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. One of those circumstances is pertinent to the application, this being where:

(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, as follows;

- any proposed expansion of such a housing group being limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 17 below;

Whilst the proposed house does constitute a limited expansion to a group of four or more houses, none of the existing grouping was built as at 1 January 1999 meaning that the proposal is contrary to policy RES 14 (ii).

- any development requiring to be appropriate in terms of design to the particular location in which it is proposed;

The design is acceptable to the location in which it is proposed.

- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and

It is considered that the design and layout of the building is sensitive to the existing group of buildings.

- any development requiring to meet the standards required by all relevant public and statutory service providers.

The proposed development will meet the relevant standards subject to the imposition of appropriate conditions in any consent granted for the proposed development.

5.4 This section of the policy also particularly encourages the sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned.

Notwithstanding the fact that the proposal is contrary to the first part of RES 14(ii), the proposal, if built, would consolidate existing dwellings within the group as three houses to the north west of the site are currently under construction and a house on a plot immediately to the east has planning consent.

Nonetheless, the proposal is contrary to Policy RES14 of the East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the planning history of the area.

Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate.

Planning History

6.3 Land at Burnside has been the subject of previous planning applications for the erection of residential dwellings. This planning history is summarised as follows:

(i) 00/0112/FL Full Planning Consent for the erection of a single dwellinghouse was approved with conditions at the Southern Local Planning Committee on 11 August 2000.

(ii) 02/0547/OL Outline Planning Consent for the redevelopment of a brown field site for the erection of 3 number bungalows was approved with conditions on 04 October 2002 at the Southern Local Planning Committee.

(iii) 02/0616/FL Full Planning Consent for the erection of a single dwellinghouse was approved with conditions under delegated powers on 24 October 2002

(iv) 03/0549/FL Full Planning Consent for the redevelopment of a brown field site for the erection of three bungalows with three detached garages and temporary siting of one mobile home during construction period was approved with conditions under delegated powers on 06 August 2003.

(v) 04/1275/FL Full Planning Consent for the erection of a single dwellinghouse was approved with conditions under delegated powers on 23 February 2005.

There have been six single storey dwellings approved since 2000 with the most recent application approved in February 2005. All of the applications approved have been sited along the south western

section and southern section of Burnside and are of a similar style, size and design.

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 are supportive of the application.

8.2 Full Planning Permission is sought for the erection of a single storey dwellinghouse within Burnside. This would complete the residential development along the southern section of this former community. The dwellinghouse is seen as acceptable in terms of its design with any discrepancies over proposed materials being addressed with the imposition of suitable conditions. The proposal is not perceived to have any detrimental impact on the visual amenity of the area nor on the residential amenity of dwellinghouses in the vicinity.

8.3 To conclude, although a precedent has been set in the past for residential development at this location the proposal still remains contrary to the current provisions of policy RES14 of the East Ayrshire Local Plan and policy G6 of the Ayrshire Joint Structure Plan and therefore the recommendation must be one of refusal. However, given the planning history of the site, should the committee be minded to approve this application, it would not represent a significant departure from policy.

8.4 Bearing in mind the history of planning approvals at this location, if the Committee is minded to approve this application, then in order to prevent further inappropriate piecemeal and incremental development at this location, a master plan should be prepared for the area. In this regard, the Committee may wish to request the Head of Planning, Development and Building Standards to prepare a master plan for the area and enter into discussions with the land owner concerned.

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 and Building Control, the application would not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

05 May 2005
RG/HM/RG

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. Previous Application 00/0112/FL
7. Previous Application 02/0547/OL
8. Previous Application 02/0616/FL
9. Previous Application 03/0549/FL
10. Previous Application 04/1275/FL
11. East Ayrshire Council Design Guidance 3

Anyone wishing to inspect the above background papers should contact Mr Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0255/FL

Location	PLOT 4, BURNSIDE, NEW CUMNOCK
Nature of Proposal:	ERECTION OF DWELLINGHOUSE
Name and Address of Applicant:	MR ERIC CONQUER AVALON GLAISNOCK ROAD CUMNOCK KA18 4PJ
Name and Address of Agent	N/A

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

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

1. The proposed development constitutes the erection of a dwellinghouse outwith a settlement boundary is therefore not acceptable in planning policy terms as it fails to meet with the provisions of policy RES 14 of the East Ayrshire Local Plan and policy G6 of the Ayrshire Joint Structure Plan.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**