

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 29 NOVEMBER 2002

**02/0714/FL: PROPOSED ERECTION OF DWELLINGHOUSE AND
GARAGE AT HOLMFARM ROAD, CATRINE
FOR MUNGO BRYSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a detached single storey dwellinghouse and associated garage within the site. The applicant proposes to externally finish the dwellinghouse with brown roofing tiles, white painted dry dash render and buff and brown facing bricks. The applicant proposes to orientate the dwelling such that the gable end would face onto the access road.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. It has been noted above that the proposal conflicts with part (ii) of Policy RES4 of the East Ayrshire Local Plan Finalised Version with Modifications.

3.3 It has also been noted at paragraph 3.1 that the proposal is contrary to Section 2.3.8 of East Ayrshire Council's Roads Development Guide 1996. It is therefore considered that the erection of a further dwellinghouse in this location would give rise to additional vehicular and pedestrian traffic using this private unadopted road which would not be in the best interests of good planning or public road safety.

CONTRARY DECISION

Should the Committee agree to approve the application, it will require to be referred to the Development Services Committee for consideration as it would be a significant departure from 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 the Head of Planning and Building Control

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 application is subject to objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a relatively flat piece of land which is presently in pastoral use and forms part of an agricultural holding. It is a gap site between two existing modern dwellings and is accessed from the B713 via a private, unadopted road which presently serves nine existing dwellings and a Scottish Water sewage treatment works. The access road is in a poor state of repair. It is single width, suffers from poor forward visibility in parts and is without street lighting or footpaths.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a detached single storey dwellinghouse and associated garage within the site. The applicant proposes to externally finish the dwellinghouse with brown roofing tiles, white painted dry dash render and buff and brown facing bricks. The applicant proposes to orientate the dwelling such that the gable end would face onto the access road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has recommended that the application should be refused unless the applicant agrees to bring the entire length of the access road from the B713 to the proposed dwelling up to an adoptable standard. The access road is private and it is in poor condition. The road is single track with no passing places and is not served by a footway along its full length. The Division states that further development of this private access road would be contrary to Council Policy. Section 2.3.7 of East Ayrshire Council's Roads Development Guide 1996 states that:-

Three or more dwellings must be served by a road which will require Construction Consent and the submission of a Road Bond in a residential area. Less than three will be served by a private access which, as there is no right of public access, will not require Construction Consent and will not be available for adoption.

To bring the road up to an adoptable standard would require the provision of footways, drainage, passing places, street lighting and a turning head. The application is clearly contrary to Section 2.3.7 of East Ayrshire Council's Roads Development Guide 1996. Furthermore, it is considered that the erection of an additional dwellinghouse in this location would give rise to additional vehicular and pedestrian traffic using this private, unadopted road, which, given that the road suffers from poor forward visibility and is without street lighting or footpaths, would not be in the best interests of good planning or public road safety.

3.2 Scottish Water has no objection to the proposal provided operational requirements are met. The Authority also states that the proposal may involve building over an existing sewer and that the applicant should contact Scottish Water prior to starting work on site in order to discuss whether a diversion or protection is necessary.

Should the application be approved, an appropriate note in respect of the above can be attached to any planning permission.

3.3 The Coal Authority has no objection to the proposal. It does however state that reserves of coal exist in the locality which may be worked at some time in the future.

Should the application be approved, an appropriate note advising the applicant to make early contact with the Coal Authority can be attached to any planning permission.

3.4 Scottish Power, British Gas Transco and Catrine Community Council have not responded at the time of writing this report.

Noted.

3.5 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its complete satisfaction. In this regard all foul drainage from the development must be connected to the existing sewage treatment system on site.

Should the application be approved, an appropriate note advising the applicant to make early contact with SEPA can be attached to any planning permission.

4. REPRESENTATIONS

Two letters of objection have been received in respect of the application. The terms of objection can be summarised as follows:-

4.1 The plans show that the proposed villa would be situated totally outwith the existing building line which was a condition set by the Committee when the adjacent house was built.

Noted, however it is not considered that the erection of a dwelling beyond the existing building line in this location would justify a refusal of the application.

4.2 Due to a high water table in the area, the site is prone to severe flooding in periods of heavy rain. The drainage of the field is completely inadequate.

This point of objection has not been substantiated by either Scottish Water or SEPA in the consultation process. Nevertheless, should the application be approved, a condition, requiring the submission of a flood impact assessment and detailed drainage measures for the site can be included on any planning permission.

4.3 The existing access road is very narrow and restrictive and is not built to the Council's standards and as such, an additional dwellinghouse would generate extra traffic resulting in a road safety hazard.

As is noted in Paragraph 3.1 of the report, the access road has not been adopted by the Council. The Council is not therefore responsible for its upkeep. It is also noted above that the erection of an additional dwelling accessed via this private access road would be contrary to Section 2.3.7 of East Ayrshire Council's Roads Development Guide 1996, unless the applicant is prepared to upgrade the access to required standards.

4.4 A mains water supply pipe and a main sewer run beneath the site. This would disrupt the building line of the site.

Scottish Water has stated that the existing services within the application site may require to be diverted prior to any work commencing on site. Nevertheless it is not considered that the erection of the proposed dwellinghouse, beyond the building line of the two adjacent houses, would justify refusal of the application.

4.5 The electricity supply intended for and paid for by adjacent residents has already been stretched to include other properties. Future developments would surely put a further strain on this service.

Although Scottish Power has not yet responded to the consultation letter, it has not previously raised any concerns regarding service provision for the development site.

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 Catrine and Sorn Local Plan (1984). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site lies outwith the settlement boundary within an area of Landscape Significance. Policy 1 of the Catrine and Sorn Local Plan is therefore of relevance. Policy 1(f) presumes in favour of residential development in the countryside except where there would be a *“detrimental effect on the landscape character of the area of Local Landscape Significance.”*

Given that the proposed dwelling would be sited between two existing modern dwellings, it is not considered that the proposal would have sufficient detrimental effect on the character and appearance of the area of Local Landscape Significance such as would justify a refusal of the application on visual amenity grounds.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) 2001, the consultation responses, the objections detailed above and the planning history of the site.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, Finalised Version with Modifications, (EALP), should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The application site lies within the settlement boundary as defined in the EALP and comprises a gap site. Policy RES4 is therefore of significance. Policy RES4 states that:-

“Within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:-

- (i) *Impact on the surrounding natural and built environment and adjacent uses;*

It is not considered that the proposal would have a detrimental impact on the surrounding natural and built environment to an extent that would justify a refusal of the application.

- (ii) *Transportation and infrastructure implications;*

As noted above, the proposal, in its present form, is contrary to Section 2.3.7 of East Ayrshire Council’s Roads Development Guide 1996.

- (iii) *Compatibility with surrounding densities and housing types;*

It is considered that the proposal would be compatible with the surrounding land use and housing density.

- (iv) *Compliance with the Council’s Development Promotion and Design Guidance”.*

It is considered that the design of the dwellinghouse is appropriate to this location within the settlement boundary.

It is therefore considered that the proposed development is contrary to Policy RES4(ii) of the EALP

Planning History

6.4 00/0372/FL: The site was the subject of a previous application for the erection of a dwellinghouse on the site. This application was withdrawn on 17 November 2000.

6.5 01/0014/FL: An application identical to the current proposal was refused by the Southern Local Planning Committee on 27 April 2001 on the grounds that the erection of an additional dwelling would be contrary to the East Ayrshire Local Plan in that it would result in additional vehicular and pedestrian traffic using the private, unadopted road which suffers from poor visibility and is without street lighting or footpaths and would not be in the best interests of good planning or public safety.

Consultation Responses

6.6 As indicated in Section 3 above the Roads Division has recommended refusal of the application.

Representations

6.7 The points of objection relating to the additional traffic on the unadopted access road, which is single width, suffers from poor forward visibility in parts and is without street lighting or footpaths, have merit in road safety terms.

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 is indicated at paragraph 5.2 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine and Sorn Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. It has been noted above that the proposal conflicts with part (ii) of Policy RES4 of the East Ayrshire Local Plan Finalised Version with Modifications.

8.3 It has also been noted at paragraph 3.1 that the proposal is contrary to Section 2.3.8 of East Ayrshire Council's Roads Development Guide 1996. It is therefore considered that the erection of a further dwellinghouse in this location would give rise to additional vehicular and pedestrian traffic using this private unadopted road which would not be in the best interests of good planning or public road safety.

9. RECOMMENDATION

9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

CONTRARY DECISION

Should the Committee agree to approve the application, it will require to be referred to the Development Services Committee for consideration as it would be a significant departure from policy.

Alan Neish
Head of Planning and Building Control

11 November 2002
YN/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation responses.
3. Letters of objection.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Catrine and Sorn Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.
8. Previous planning applications 00/0372/FL and 01/0014/FL.

Any person wishing to inspect the background papers listed above, should contact Yvonne Nisbet on 01563 576771.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0714/FL

| | |
|--------------------------------|--|
| Location | Land at Holmfarm Road CATRINE KA5 6TA |
| Nature of Proposal: | Proposed erection of dwellinghouse and garage |
| Name and Address of Applicant: | Mr Mungo Bryson Whiteflat Farm CATRINE KA5 6LW |
| Name and Address of Agent | |

DPO's Ref: Yvonne Nisbet]
PPO's Ref; []

The above **FULL** application should be refused on the following grounds:-

1. The erection of an additional dwellinghouse in this location would be contrary to Policy RES4 of the East Ayrshire Local Plan Finalised Version in that it would result in additional vehicular and pedestrian traffic using this private, unadopted road which suffers from poor forward visibility and is without street lighting or footpaths and would not be in the best interests of good planning or public safety.

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