

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 MARCH 2001 01/0032/OL: PROPOSED ERECTION OF A DWELLINGHOUSE AT COYLE WATER FISHERY, COALHALL, AYRSHIRE FOR MR ALEXANDER M STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicant has stated that the dwellinghouse is required to accommodate a fishery manager who will provide a 24hr presence, essential in terms of security, maintenance and for the care of hatchlings.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition listed on the attached sheets.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 to 5.8 in the report, the application is considered to be contrary to Policy RES13 of the Adopted Local Plan and partly contrary to Policy G1 of the Ayrshire Joint Structure 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 Paragraph 5.5 and paragraphs 6.2 to 6.8 in the report, there are other material considerations relevant to the determination of this application.

8.2 It is considered that a site specific justification has been established for the erection of a dwellinghouse on the site and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan and Policy RES13 of the Adopted Mauchline – Drongan - Ochiltree Local Plan. The proposal accords with the other relevant policies of the Ayrshire Joint Structure Plan and the Adopted Local Plan.

8.3 There have been no adverse consultation replies which would preclude the granting of planning permission.

8.4 An appropriate condition can be included on the planning permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed in a full time capacity as a manager of the Coyle Water

Fishery and his or her dependants and that any subsequent Reserved Matters application relates to a dwelling designed to a high standard, appropriate to a rural location.

8.5 Should the Committee be of a mind to approve the application, it would not require to be referred to the Development Services Committee, as the proposal is not considered to represent 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 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 recommended for approval whilst representing a minor departure from policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies adjacent to the car parking area associated with the recently formed and newly established Coyle Water Fishery. The site forms part of an unsurfaced and informal parking area and is overgrown in parts. It is accessed via a private access road from the A70, approximately one mile east of Coylton. The access road is 400 metres in length. The site is generally level, and occupies an elevated position above and to the south of the fishery. To the south of the site, the land slopes steeply upwards, screening the site from the existing buildings at Shields Main Farm, which lie approximately 200 metres to the south.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on the site. The applicant has stated that the dwellinghouse is required to accommodate a fishery manager who will provide a 24hr presence, essential in terms of security, maintenance and for the care of hatchlings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal. The Division states that the junction of the private access road with the A70 has acceptable visibilities for the erection of one additional residential property. The Division also states, however, that it would object to proposals for further residential properties off the private access unless the road was made up to an adoptable standard.

Noted.

3.2 The West of Scotland Water Authority has no objection to the proposal subject to operational requirements being met and to the siting of the septic tank so as to allow easy emptying by tanker.

Should the application be approved, a condition in respect of the location of the septic tank can be included on the planning permission.

3.3 The Scottish Environment Protection Agency (SEPA) has no objection to the proposal provided the drainage arrangements are to its satisfaction. In that respect, SEPA has stated that the septic tank should discharge into a blind soakaway and that the applicant will require to carry out a perlocation test to assess the suitability of the soil for effluent disposal. SEPA has also stated, however, that, should the soil prove to be unsuitable for effluent disposal, it may allow discharge to the Water of Coyle via an extensive partial soakaway.

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

3.4 Scottish Power and British Gas Transco have no objection to the proposal.

Noted

3.5 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from workings in three seams of coal last worked in 1906. It does however state that, by now, any ground movement should have ceased. The Coal Authority also states that reserves of coal exist in the locality which could be worked at some time in the future.

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

3.6 South Ayrshire Council has been consulted as its border lies in close proximity to the site. The Council has stated that it has no objection to the proposal provided it complies with Policy G5 of the Ayrshire Joint Structure Plan.

The Ayrshire Joint Structure Plan will be considered as a material consideration in the determination of the planning application. See Section 5.2 of this report.

3.7 Drongan Community Council has not responded to the consultation letter.

Noted.

4. **REPRESENTATIONS** : None

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 Mauchline-Drongan-Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 Policy G1 of the Ayrshire Joint Structure Plan states that:-

“The three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements. Any proposed development outwith settlement boundaries shall not conform to the structure plan except:

- a) where it specifically accords with other policies in the structure plan;*
- b) in locations identified in local plans for that specific development purpose; and*
- c) where the proposed development meets appropriate development criteria as defined by the structure and local plan.”*

The proposed development does not accord with parts (a) and (b) of Policy G1. Nevertheless, as is noted below, the proposed development does comply with Part (c) of Policy G1, Policy G5 and with the policies of the adopted Mauchline/Drongan/Ochiltree Local Plan.

5.3 Policy G2 of the Ayrshire Joint Structure Plan is also of relevance. Policy G2 states that:

“The three Ayrshire Councils shall actively seek to improve the urban and rural environment of Ayrshire, and, subject to other policies in the structure plan, shall not be supportive of development proposals which have significant adverse effects by means of:

- a) unacceptable visual damage or intrusion*

Should the application be approved, a condition can be included on the planning permission to ensure that the design of the dwellinghouse is appropriate to the rural area.

- b) unacceptable pollution of air, water or land or nuisance by way of*

smell, noise and light;

It is not considered that one dwellinghouse would result in an unacceptable level of pollution.

c) *unacceptable danger by means of flooding or erosion;*

The proposed dwellinghouse is not situated in a location which is liable to flooding.

d) *prejudicing the use and enjoyment of natural environment and built heritage location;*

The proposed dwellinghouse is not located within a built heritage location, nor is it considered that it would prejudice the enjoyment of the natural environment to an extent that would justify a refusal of the application.

e) *the loss of prime quality, or locally important good quality, agricultural land;*

The proposed dwelling is not located on quality agricultural land.

f) *unacceptable damage to existing species and habitats.*

It is not considered that the erection of a dwelling on the site would cause unacceptable damage to existing species or habitats.

5.4 The application site lies within the Sensitive Landscape Character Area as defined in the Ayrshire Joint Structure Plan. Policy G3 is therefore of relevance. Policy G3 states that:-

“In the Sensitive Landscape Character Areas, development shall not conform to the Structure Plan except where it would:-

protect and maintain, enhance or restore the scenic beauty, natural systems, wildlife and cultural heritage.”

As noted above, should the application be approved, a condition can be included on the planning permission to ensure that the design of the dwellinghouse takes account of the Council’s Adopted Development Control Guidelines for Residential Development in the countryside.

5.5 The application site lies within the Rural Protection Area as defined in the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan (Finalised Version with Modifications). The application therefore requires to be considered with regard to Policy G5 of the Ayrshire Joint Structure Plan. Policy G5 states that:-

“Development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

a) *has a demonstrated site specific locational need”.*

The applicant has submitted a letter in support of the application in which a site specific justification for the proposal is set out. The justification states that the fishery has become the subject of poaching and vandalism and that, as a consequence, over the last year, the number of visitors to the fishery has decreased by more than 60%. This has had an adverse impact on the economic viability of the fishery. The applicant further states that the proposed erection of a dwellinghouse, solely for the occupation by a full time fishery manager, would deter poaching and vandalism and, thus, improve the economic viability of the fishery. It is therefore considered that a site specific locational need for a dwellinghouse has been identified and that the proposal is in accordance with Policy G5 of the Ayrshire Joint Structure Plan. Should the application be approved, a condition can be included on the planning permission which would limit the occupation of the dwellinghouse to a person or persons employed in a full time capacity as a manager of the Coyle Water Fishery and his or her dependants.

5.6 Notwithstanding the age of the adopted Mauchline/Drongan/Ochiltree Local Plan, the application site lies within the rural area and within a Nature Conservation Area as identified in that plan. Policy RES13 of the Mauchline/Drongan/Ochiltree Local Plan states that:-

“wherever possible, potential developers of houses in the countryside will be directed to brown field or redevelopment sites in locations which would not be unduly visually prominent. The Council as Planning Authority will discourage residential development which will result in the loss of agricultural land in pastoral or arable use, or which would result in the loss of land planted for forestry, woodland, mature shelter belts or in the loss of mature trees, or would adversely diminish the landscape quality and character of the area”.

Whilst the site is not strictly a brown field site, and it is not under agricultural use, it is nevertheless visually prominent from the A70 which runs adjacent to the site. However, as is noted above, it is considered that a site specific locational need in proximity to the fishery has been identified. In addition, extensive landscaping will offer the promise of a development sympathetic to the character of the area.

5.7 Policy RES16 of the Mauchline - Drongan - Ochiltree Local Plan is also of relevance. Policy RES16 states that:

“in areas designated as countryside around towns there will be a presumption against residential and other development in the countryside except where there is a proven, specific, locational need.”

As has been noted at sections 5.5 and 5.6 above, it is considered that a site specific locational need has been identified for the erection of a dwellinghouse at this location. The proposal is therefore considered to be in accordance with policy RES 16.

5.8 The application also requires to be determined with regard to Policy ENV2 of the Mauchline - Drongan - Ochiltree Local Plan which states that:-

“The Council will seek to ensure the protection of sites of special scientific interest and will presume against development which would have an adverse environmental impact on sites of special scientific interest, listed wildlife sites and other resources of importance for nature conservation (including sites supporting species protected by law), heritage resources requiring conservation (including listed buildings, scheduled ancient monuments, archaeological and industrial archaeological sites)”.

The application site lies adjacent to the Water of Coyle Listed Wildlife Site. It is not considered that the erection of a single dwellinghouse with a site specific justification on this site would adversely affect the Listed Wildlife Site to an extent that would justify a refusal of the application.

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), and the site’s planning history.

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 (EALP) should be considered as a prime material consideration.

6.3 The application site lies within the Rural Protection Area as defined in the EALP. As such policy RES13 of that plan is of relevance:-

“The Council will be 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:

- (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 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 staff accommodation; or*
- (iv) *As an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.*

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.”

As has been noted at section 5.5 above, a site specific locational need for a dwelling on this location has been demonstrated. It is therefore considered that the proposal is in accordance with the provisions of Policy RES 13 of the EALP.

6.4 Policy RES15 of the EALP also requires to be considered. Policy RES 15 in summary states:

“Where a new residential development in the countryside is considered acceptable within the terms of Policies RES 13 the Council will require applicants in the first instance, to utilise areas of derelict or degraded land in preference to the development of greenfield land and to consolidate and complement existing farm steadings or small groups of houses in preference to the development being isolated in the “.

The application site lies adjacent to an existing car park, is overgrown in parts, comprises part of an informal parking area and is not a greenfield site. It is therefore considered that the proposal accords with the terms of the Policy RES13 of the EALP.

6.5 RES17 of the EALP precludes residential development in the countryside in a number of specific circumstances including where it would be unduly visually prominent.

Any planning permission can be conditioned not only with regard to the quality of the house design, but also through the use of landscaping, to be sympathetic to the character of the area.

The site has been the subject of several other applications for planning permission as follows:

6.6 CD/95/0016: Full planning permission was granted for the formation of a fish pond and fresh water fishery.

That proposal has now been implemented.

6.7 98/0007/FL: Full planning permission was granted on 12 June 1998 for the formation of a fish pond.

That proposal has also been implemented.

6.8 98/0448/OL: Outline planning permission for the erection of a dwellinghouse on the site was refused on 28 August 1998 for the following reasons:

1. *“The proposed development is considered contrary to policy CAT1 and the Policy CAT1A of the Strathclyde Structure Plan which states that proposals for development within the Countryside Around Towns will require to be justified on the basis of specific locational need and no such justification has been established.*
2. *The proposed development is contrary to Policy RES 16 of the Adopted Mauchline/Drongan/Ochiltree Local Plan and Policy RES13 of the Finalised Cumnock and Doon Valley District Wide Local Plan which state that in areas designated as Countryside Around Towns there will be presumption against residential and other developments in the countryside, except where there is a proven specific locational need. No specific locational need has been proven”.*

At the time this application was refused, the fishery was in its infancy and the applicant was unable to provide a convincing site specific justification for the erection of a dwellinghouse. However, at the present time the fishery is becoming established and the information referred to in section 5.5 above now demonstrates that a site specific locational need for a dwelling on the site has been identified.

6.9 This application for planning permission has been made in outline and as such, no details of the proposed dwellinghouse have been submitted.

Should the application be approved a condition can be included on any planning permission which would ensure that any subsequent reserved matters application relates to a dwellinghouse which is of a high standard of design, appropriate to a rural location.

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 to 5.8 above, the application is considered to be contrary to Policy RES13 of the Adopted Local Plan and partly contrary to Policy G1 of the Ayrshire Joint Structure 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 Paragraph 5.5 and paragraphs 6.2 to 6.8 above, there are other material considerations relevant to the determination of this application.

8.3 It is considered that a site specific justification has been established for the erection of a dwellinghouse on the site and that this justification should outweigh the provisions of Policy G1 of the Ayrshire Joint Structure Plan and Policy RES13 of the Adopted Mauchline – Drongan - Ochiltree Local Plan. The proposal accords with the other relevant policies of the Ayrshire Joint Structure Plan and the Adopted Local Plan.

8.3 There have been no adverse consultation replies which would preclude the granting of planning permission.

8.4 An appropriate condition can be included on the planning permission to ensure that the occupation of the dwellinghouse is limited to a person or persons employed in a full time capacity as a manager of the Coyle Water Fishery and his or her dependants and that any subsequent Reserved Matters application relates to a dwelling designed to a high standard, appropriate to a rural location.

8.6 Should the Committee be of a mind to approve the application, it would not require to be referred to the Development Services Committee, as the proposal is not considered to represent a significant departure from policy.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition listed on the attached sheets.

Alan Neish
Head of Planning and Building Control
08 March 2001
DS/YW/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.

2. Consultation responses.
3. East Ayrshire Local Plan (Finalised Version with Modifications).
4. Adopted Mauchline – Drongan - Ochiltree Local Plan.
5. Ayrshire Joint Structure Plan.
6. Planning applications CD/95/0016, 98/0007/FL and 98/0448/OL.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Application no: 01/0032/OL

Location	Coyle Water Fishery A70 Coalhall, AYR KA6 6LZ
Nature of Proposal:	Proposed outline planning permission for erection of residential dwellinghouse to form living accommodation for fishery manager
Name and Address of Applicant:	Mrs P M Stevenson Shieldmains Farm A70 – Coalhall, AYR KA6 6LZ
Name and Address of Agent	Mr Alan Law 40 St Leonards Road AYR KA7 2PT

DPO's Ref: Vivien Emery]
PPO's Ref; []

The above **OUTLINE** application should be granted subject to the following conditions:-

1. The dwellinghouse shall only be occupied by a person or persons employed or last employed as a manager or other employee charged with the maintenance and supervision of the Coyle Water Fishery or by his or her dependants, widow or widower.

REASON – The proposed development constitutes the construction of a dwellinghouse in the countryside which would otherwise be refused.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.

- a) The layout of the site;
- b) The size, height, design and external appearance of the proposed dwellinghouse;
- c) The means of drainage and sewage disposal;
- d) Details of the access arrangements;
- e) The provision for open space;
- f) The provision for car parking;
- g) The boundary walls/fences to be erected;
- h) The landscaping of the site;
- i) Finished site levels/floor levels.

REASON – The approval is in outline only.

3. As part of the submission for approval of the Reserved Matters, the design of the dwellinghouse shall take full cognisance of East Ayrshire Council's Design Guidance for New Houses in the Countryside.

REASON – In the interests of visual amenity.

4. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON – In the interests of public safety.

5. The details to be submitted further to Condition 2 above shall include details of screen landscaping to soften the appearance of this dwellinghouse within the countryside.

REASON – In the interests of visual amenity.

NOTES

1. All drainage shall be to the satisfaction of the West of Scotland Water Authority and the Scottish Environment Protection Agency.
2. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick KA9 2NS with regard to water supply and drainage.
3. The applicant is advised to make early contact with Scottish Environment Protection Agency, 2 Alloway Place, Ayr KA7 2AA with regard to the drainage arrangements.
4. The applicant is advised to make early contact with the Coal Authority, 200 Lichfield Lane, Berry Hill, Nottingham NG18 4RG with regard to past mineral workings on the site.

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AGENDA