

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 09 AUGUST 2002

**02/0233/OL: PROPOSED ERECTION OF DWELLINGHOUSE AT
RODINHEAD BRIDGE, BARDARROACH ROAD, BY OCHILTREE**

APPLICATION BY MRS SHEILA JOHNSTONE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of one dwellinghouse on the site.

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 is indicated at Paragraph 5.2 of the report, the application is not considered to accord with the development plan. Therefore, given the terms of Sections 25 and 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 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application. These add weight to the terms of the Development Plan.

3.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is both contrary to the provisions of the Adopted Local Plan, and to Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 The Roads and Transportation Division advise that adequate visibilities cannot be achieved at the proposed access to the site, given the present land ownership arrangements. The Division has therefore recommended the use of a Section 75 Agreement to secure adequate visibilities. The applicant has indicated that she is not prepared to enter into such an Agreement. Consequently, the Roads Division objects to the development on road safety grounds.

3.4 No other consultation replies have been received which would indicate that the application should be refused.

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 as such a decision 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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APPLICATION BY MRS SHEILA JOHNSTONE

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 application for outline planning permission which is to be considered by the Local Planning Committee under the Scheme of Delegation as the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site, which measures approximately 0.5 acre, forms part of a former railway embankment which has since been regraded, within the rural area between Drongan and Ochiltree. The site is accessed from Drongan via the B730 and the B7046. It lies adjacent to the B7045 and slopes gently from the edge of the carriageway upwards towards the northwest.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of one dwellinghouse on the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has advised that an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 would be required to secure adequate visibility splays at the access to the site.

The applicant has been advised of the comments of the Roads and Transportation Division. However, the applicant has indicated that she does not wish to enter into such an Agreement and that she wishes the application determined as it stands. As a result of this position, it is therefore considered that the proposal is not in the best interests of public road safety, as adequate sightlines cannot be achieved at the access to the site. In the absence of appropriate sightlines, the Roads Division would object to the proposed development.

3.2 Scottish Water has no objection to the proposal subject to its operational requirements being met.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided all drainage arrangements are to its satisfaction. In that regard, SEPA states that all foul drainage must be connected to a septic tank and blind soakaway.

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

3.4 The Coal Authority advises that resources of coal exist in the locality which may 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.

3.5 The West of Scotland Archaeology Service has advised that the development raises no substantive archaeological issues.

Noted.

3.6 Ochiltree Community Council has no objection to the proposal.

Noted.

3.7 Drongan, Rankinston and Stair Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received in respect of the application. The grounds of objection relate to public road safety, including inadequate sightlines.

See response to Paragraph 3.1 of the report that notes that adequate sightlines cannot be achieved at the access to the application 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 Mauchline/Drongan/Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application falls to be determined with regard to Policies RES 15 and RES 17. Policy RES 15 provides that:-

In the countryside, small scale residential developments of up to four houses, with one shared access constructed to an acceptable standard will be considered on their own individual merits. Sporadic small scale residential developments with individual accesses in the countryside will be discouraged.

It is considered that the development which proposes the erection of a single dwellinghouse in the countryside, with an individual access that would not meet appropriate sightline requirements, would not be consistent with the provisions of Policy RES 15.

5.3 Policy RES17 states:-

There will be a general presumption in favour of single small scale, especially high amenity, residential development in the countryside in areas designated as Remoter Rural Areas except under stated criteria.

The proposed development would be consistent with the provisions of Policy RES17.

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, representations received and the consultation replies.

East Ayrshire Local Plan

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.

6.3 The proposal falls to be determined with regard to Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 13 states:-

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 a 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 RES 8 above.*

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

The applicant has not demonstrated any site specific locational need for the proposed dwellinghouse under any of the terms of Policy RES 13. It is therefore considered that the proposal is contrary to the provisions of Policy RES 13.

Consultation Replies

6.4 The consultation reply from the Roads and Transportation Division indicates that the required visibilities cannot be achieved at the access to the site.

It is therefore considered that the proposal is not in the best interests of public road safety.

Representations

6.5 The representations received are considered within section 4 of this report.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of the application. Legal implications would have arisen should the applicant have agreed to enter into an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

8. CONCLUSIONS

8.1 As is indicated at Paragraph 5.2 of the report, the application is not considered to accord with the development plan. Therefore, given the terms of Sections 25 and 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 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application. These add weight to the terms of the Development Plan.

8.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is both contrary to the provisions of the Adopted Local Plan, and to Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 The Roads and Transportation Division advise that adequate visibilities cannot be achieved at the proposed access to the site, given the present land ownership arrangements. The Division has therefore recommended the use of a Section 75 Agreement to secure adequate visibilities. The applicant has indicated that she is not prepared to enter into such an Agreement. Consequently, the Roads Division objects to the development on road safety grounds.

8.4 No other consultation replies have been received which would indicate that the application should be refused.

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 will require to be referred to the Development Services Committee as such a decision would be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control
30 July 2002
DS/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation replies.
4. Letter of representation.
5. Adopted Mauchline/Drongan/Ochiltree Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer : Dave Morris

Location	Rodinhead Bridge Bardarroch Road OCHILTREE KA18 2RR
Nature of Proposal:	Proposed erection of one dwellinghouse
Name and Address of Applicant:	Mrs Sheila Johnstone The Holm Bardarroch Road OCHILTREE KA18 2RR

Name and Address of Agent

DPO's Ref: [Derek Scott]
PPO's Ref; []

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

1. The proposal is contrary to the provisions of Policy RES 15 of the Adopted Mauchline/Drongan/Ochiltree Local Plan as it represents an isolated and sporadic small scale development in the countryside with an individual access onto the public road. Such a development would be detrimental to the rural character of the countryside and would comprise an access of unacceptable standard.
2. The proposal is contrary to the provisions of Policy RES 13 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it represents the erection of a dwellinghouse in the countryside which has no justification in terms of a site specific locational need. Such a development would be detrimental to the open and rural character of the countryside.
3. The proposal is not considered to be in the best interests of public road safety, as the required sightlines cannot be achieved at the junction of the proposed access to the application site with the B7046 public road.

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AGENDA