

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 15 AUGUST 2003**

**03/0541/FL: PROPOSED ERECTION OF TWO DWELLINGHOUSES AT  
SKARES STATION SITE, BY CUMNOCK**

**APPLICATION BY MR & MRS S TEECE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of two detached dwellinghouses within the site. The dwellinghouses proposed are one and a half storeys in height and contain 4 bedrooms each and a double integral garage. Two pitched roof dormers are proposed on the front elevation and an off-set pitched roof front porch. It is proposed to clad the roof with an artificial slate roof tile, clad dormers in timber cladding, and finish the walls with a white dry dash render. Smooth cement margins are proposed around all openings with uPVC windows and doors. It is proposed to form an access onto the C97 public road to serve the proposed dwellinghouses.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions 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.

3.2 In this case, no specific locational need has been provided by the applicant. The proposed development is therefore contrary to the provisions of the East Ayrshire Local Plan. However, there is an extant full planning permission for the erection of two dwellinghouses within this site. Additionally, the proposed development would serve to result in an improvement to an untidy brownfield site to the benefit of the general amenity of the countryside. Subject to

appropriately worded conditions regarding finishes, it is considered that the general design and finishes of the dwellinghouses proposed are acceptable for this rural location.

3.3 On balance, it is considered that the material considerations relevant to the application are of sufficient weight to justify approval of the proposed development contrary to the terms of the adopted East Ayrshire Local Plan.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant breach of 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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**03/0541/FL: PROPOSED ERECTION OF TWO DWELLINGHOUSES AT  
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**APPLICATION BY MR & MRS S TEECE**

### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposed development is contrary to policy and is recommended for approval.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The site extends to approximately 5000 square metres and is located on the east side of the C76 public road, approximately 1 mile north of Skares. This brownfield site which was previously used as a scrap yard is generally level and has been subject to some fly-tipping and dumping. The remains of abandoned building works for two dwellinghouses, which were commenced but never completed, exist within the site. The site is bounded by the C97 public road to the west, and by agricultural land to the north, south, and east of the site. Visually the site is not within a prominent position in the rural area but can be seen from the C97 public road and from views to the north.

2.2 **Proposed Development:** Full planning permission is sought for the erection of two detached dwellinghouses within the site. The dwellinghouses proposed are one and a half storeys in height and contain 4 bedrooms each and a double integral garage. Two pitched roof dormers are proposed on the front elevation and an off-set pitched roof front porch. It is proposed to clad the roof with an artificial slate roof tile, clad dormers in timber cladding, and finish the walls with a white dry dash render. Smooth cement margins are proposed around all openings with uPVC windows and doors. It is proposed to form an access onto the C97 public road to serve the proposed dwellinghouses.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Environmental Health Section has no objections to the proposed development subject to the provision of satisfactory drainage

services with adequate outfall dispersal arrangements to ensure that the site is free from contamination: previous usages of the site included a scrap yard. A previous planning application for the site (Ref. No. 02/0232/OL) did raise some specific comment at the time as the site survey information submitted at that time did not appear to address all potential contamination issues. This issue appears to have been corrected by a report prepared by SAC Auchincruive dated 19 August 2002.

***Noted.***

3.2 East Ayrshire Council Roads and Transportation Division has commented that it has no objection to the proposed development subject to the imposition of appropriate conditions. Visibility and servicing improvements should be carried out prior to the commencement of works on site in order to ensure safety for the public using the C97 public road. Any roadside ditch must be piped and protected beneath the proposed access and existing drainage grips/offlets off the C97 public road retained. Access to the site must be taken via a standard dropped kerb access crossing to East Ayrshire Council Roads standards. The applicant will also be required to form a 2.5 metre wide kerbed service lay-by and 2 metre wide pedestrian verge/refuge along the frontage of the access point which will require drainage to be installed. Conditions regarding surfacing, car parking, and surface water trapping are also recommended. Further, the Roads and Transportation Division have advised that Construction Consent will be required for the construction of the lay-by required and a Road Opening Permit will be required for any works within the public road boundary.

***Conditions and appropriately worded notes can be attached to any planning permission granted for the proposed development to meet the requirements of the Roads and Transportation Division.***

3.3 Scottish Power and The Coal Authority have no objections to the proposed development.

***Noted.***

3.4 Scottish Water has stated that there is an existing public water main located adjacent to the site which may be suitable to provide a supply of water to the proposed development. There are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA.

***Noted. Appropriately worded notes can be attached to any grant of planning permission to make the developer aware of the requirements of Scottish Water.***

3.6 The Scottish Environment Protection Agency (SEPA) has no objections in principle to the proposed development provided that drainage arrangements are to SEPA's satisfaction. In this regard all foul drainage should be connected to the proposed septic tank and soakaway system. The septic tank and soakaway should be designed and constructed in accordance with the current code of practice BS 6297:1983. Surface water should also be excluded from the foul drainage system and should be discharged either to a separate soakaway system or to a watercourse via some form of treatment system such as a filtration trench or French drain. The use of porous paving for parking areas would be welcomed.

***Noted. Appropriately worded notes can be attached to any grant of planning permission to make the developer aware of the requirements of the Scottish Environment Protection Agency.***

3.7 Ochiltree Community Council has not responded to the consultation letter at the time of writing the Report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation 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 (1999) and the Adopted East Ayrshire Local Plan (2003).

##### Ayrshire Joint Structure Plan

5.2 Policy G5 of the Ayrshire Joint Structure Plan 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 where the development:

- (i) has a demonstrated site specific locational need;

- (ii) can be justified in terms of social and economic benefit to the community;
- (iii) contributes to rural land diversification; or
- (iv) provides for the operational needs of agriculture and forestry.

***The proposed development does not conform with the terms of this policy.***

#### East Ayrshire Local Plan (2003)

5.3 The site is located within the Rural Protection Area defined within the Local Plan. Policies SD3 and RES 13 are therefore of relevance in the determination of this application.

5.4 Policy SD 3 states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:

- (i) comprises an acceptable form of residential use as detailed in Policy RES 13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

***The development does not contribute to rural diversification. A site specific locational need has not been provided by the applicant for the proposed dwellinghouses. The proposed development is therefore contrary to the provisions of this policy. It should be noted however that there is a valid full planning permission for the erection of two detached dwellinghouses within the site (see paragraph 6.6 of the Report).***

5.5 Policy RES 13 states that 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 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 Council will, where considered necessary or appropriate, request applicants for the categories of residential development described above, to justify their proposals through the submission of detailed supporting information, in order to allow the Council to fully assess the application.

***A site specific locational need has not been provided by the applicant for the proposed dwellinghouses. The proposed development is therefore contrary to the provisions of adopted East Ayrshire Local Plan 2003. It should be noted however that there is a valid full planning permission for the erection of two detached dwellinghouses within the site (see paragraph 6.6 of the Report).***

## **6. ASSESSMENT AGAINST OTHER 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 site.

### Consultations Responses

6.2 The consultation responses do not indicate that the application should be refused.

### Planning History

6.3 The planning history of the site is summarised as follows:

(i) CD/91/235 – Outline planning permission for the erection of four dwellinghouse at Skares Station was granted on 25 September 1991.

(ii) CD/94/0143/DPP – Full planning permission for the erection of two detached dwellinghouses with garages at the Skares Station site was refused on 13 December 1994. This application was refused on the grounds that the road layout was not to the required standards and that no landscaping scheme was provided for the development.

(iii) CD/95/0020/DPP – Full planning permission for the erection of two detached dwellinghouses with garages at the Skares Station site was granted on

7 June 1995. At the time of this decision, the application was considered to be in accordance with policies contained within the relevant Cumnock-Auchinleck Local Plan. The development approved under this application was commenced and later abandoned.

***Given that works commenced under the terms of this permission, this planning permission is still valid, and could be fully implemented.***

(iv) 02/0232/OL – Outline planning permission for the erection of a private dwellinghouse with integral garage at the Skares Station site was granted on 7 June 2002. Permission was granted on the basis that an exception to policy could be made due to the fact that planning application CD/95/0020/DPP for two dwellinghouses within the site was still extant, and the development of the untidy site would result in the an improvement in the general amenity of the area.

***Whilst the terms of outline planning permission related to a single dwellinghouse and are not prescriptive to the current application, the principle of housing development within this site has already been established.***

## **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.

8.2 In this case, no specific locational need has been provided by the applicant. The proposed development is therefore contrary to the provisions of the East Ayrshire Local Plan. However, there is an extant full planning permission for the erection of two dwellinghouses within this site. Additionally, the proposed development would serve to result in an improvement to an untidy brownfield site to the benefit of the general amenity of the countryside. Subject to appropriately worded conditions regarding finishes, it is considered that the general design and finishes of the dwellinghouses proposed are acceptable for this rural location.

8.3 On balance, it is considered that the material considerations relevant to the application are of sufficient weight to justify approval of the proposed development contrary to the terms of the adopted East Ayrshire Local Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

30 July 2003  
RD/RD  
FV/AN

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning application reference CD/91/235.
8. Planning application reference CD/94/0143/DPP.
9. Planning application reference CD/95/0020/DPP.
10. Planning application reference 02/0232/OL.

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0541/FL

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Location	Skares Station Site by Cumnock KA18 2QZ
Nature of Proposal:	Proposed erection of two dwellinghouses
Name and Address of Applicant:	Mr & Mrs S Teece 11 Riverside Gardens Cronberry KA18 3LU
Name and Address of Agent	SAS Design, 21 Lambert Drive, Glasgow, G76 7NQ

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

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

1. Notwithstanding the plans hereby approved the roofs and dormer haffits of the dwellinghouses shall be covered in natural slates or a reconstituted slate tile, and samples of the slates/reconstituted slate tiles to be used shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site.

REASON – In the interest of visual amenity and to secure the use of appropriate materials for residential development in the countryside

2. Notwithstanding the plans hereby approved the walls of the dwellinghouses shall be finished with a painted wet dash render to the satisfaction of the Planning Authority.

REASON - In the interest of visual amenity and to secure the use of appropriate materials for residential development in the countryside

3. Notwithstanding the plans hereby approved the window and door margins of the dwellinghouses shall be finished with a smooth cement render to the satisfaction of the Planning Authority.

REASON - In the interest of visual amenity and to secure the use of appropriate materials for residential development in the countryside

4. The access to the site must be taken via a standard dropped kerb driveway access crossing to East Ayrshire Council Roads standards.

REASON – In the interests of residential amenity and road safety.

5. Any roadside ditch shall be piped and protected beneath the access to the site to the satisfaction of the Council as Planning Authority. All existing drainage grips/offlets onto the C97 public road shall be retained.

REASON - To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

6. The junction of the access to the site with the C 97 public road shall be surfaced in bituminous materials for a distance of 10 metres within the site from the edge of the C 97 public road to avoid the over-carry of loose material onto the public road.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

7. Prior to the commencement of works on site, visibility splay areas of 2.5 metres by 70 metres to the north and 2.5 metres by 90 metres to the south will require to be formed and maintained with no obstruction greater than 1 metre in height allowed within these areas for the lifetime of the development. This will require the removal / cutting back a number of trees/hedges/shrubs within the site boundary.

REASON – To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

8. A 2.5 metre wide kerbed service lay-by adjacent to the C 97 public road and a 1 metre wide kerbed pedestrian refuge/verge along the frontage of the access point shall be formed prior to the commencement of works on site to the satisfaction of the Council as Planning Authority.

REASON – In the interest of public road safety.

9. Three off-road car parking spaces will require to be provided and thereafter maintained within the site for each proposed dwellinghouse, prior to the relevant dwellinghouse being completed or brought into use.

REASON – To ensure that adequate car parking provision is available in relation to the approved development and thereby to secure the interests of road safety and residential amenity.

10. A turning area for visitors/service vehicles shall be provided and maintained within the site to the satisfaction of the Planning Authority to enable vehicles to enter and leave the public road in forward gear at all times.

REASON – To safeguard the residential amenity of the area and in the interest of highway safety.

11. No surface water shall issue from the site onto the public road.

REASON – To ensure the provisions and maintenance of a secure road surface in the interests of road and public safety.

12. Notwithstanding the submitted plans, any gates to be provided shall open away from the C 97 public road to prevent obstruction.

REASON – In the interest of road safety.

## **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that a road opening permit will be required for any proposed works within the public road boundary. The Division can be contacted on Tel 01563 555 330.
2. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the lay-by. The Division can be contacted on Tel 01563 555 330.
3. East Ayrshire Council Roads and Transportation Division has recommended that the areas of scrub within the splays specified in condition 7 above should be cut down immediately to improve access visibility, in the interests of road safety.
4. The Scottish Environmental Protection Agency (SEPA) has advised that agreement will be required with SEPA regarding any proposed septic tank and soakaway system as a means of effluent treatment and disposal.
5. The Scottish Environmental Protection Agency (SEPA) has advised that surface water should be excluded from the foul drainage system and should be discharged either to a separate soakaway system or to a watercourse via some form of treatment system such as a filtration trench or French drain. SEPA can be contacted on Tel 01292 294 000.
6. Scottish Water has advised that contact should be made with their Developer Services section to discuss how the proposed development would be best served by a public water supply. Scottish Water Developer Services can be contacted on Tel 0845 601 8855.

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