

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 01 DECEMBER 2000**

**00/0667/FL : ERECTION OF HOUSE AND GARAGE AT BANK GLEN, NEW  
CUMNOCK**

**APPLICATION BY MR & MRS HART**

**EXECUTIVE SUMMARY**

**1. DEVELOPMENT DESCRIPTION**

1.1 Planning permission is sought for the erection of a single dwellinghouse and garage on the site. A one and a half storey dwellinghouse and detached double garage is proposed for this site. It is proposed to site the dwellinghouse approximately 7 metres back from the B741. The finishes proposed for both the house and garage comprise a facing brick basecourse, dry dash render and slate substitute tiles.

**2. RECOMMENDATION**

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

**3. SUMMARY ANALYSIS**

3.1 In terms of the East Ayrshire Local Plan Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no site specific locational need has been proven by the applicant. The proposal is not consistent with the policy provisions for new housing in the countryside.

3.2 The site however, until recently was the subject of an outline planning consent for a dwellinghouse (this consent expired on 15<sup>th</sup> March 2000). Although the site itself lies outwith the settlement boundary of Bank Glen, it is considered to be a gap site, as there are dwellinghouses to the west, east and south of the site, all of which are situated within the settlement boundary of Bank Glen. The proposed development would not therefore constitute or add to sporadic or ribboning of development along the public road. Furthermore there are no consultee or other objections to the proposed development of a dwellinghouse on this site.

**Alan Neish**

## **Head of Planning & 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 MR & MRS HART**

**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 full 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.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site lies on the north side of the B741 at Bank Glen, New Cumnock. The brownfield site is bound to the north and east by agricultural land, to the west by a dwellinghouse and to the south by the B741 and a dwellinghouse.

2.3 **Proposed Development :** Planning permission is sought for the erection of a single dwellinghouse and garage on the site. A one and a half storey dwellinghouse and detached double garage is proposed for this site. It is proposed to site the dwellinghouse approximately 7 metres back from the B741. The finishes proposed for both the house and garage comprise a facing brick basecourse, dry dash render and slate substitute tiles.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 New Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.2 British Gas Transco, Scottish Power, West of Scotland Water and the Coal Authority have no adverse comments to make on the proposed development.

***Noted***

3.3 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to conditions. Visibility sightline splay areas of 2.5m by 90m will require to be formed and maintained at the access, with no obstruction greater in height than 1 metre allowed within those areas. The required visibilities are achievable on site. A 2 metre wide kerbed footway will require to be constructed

along the frontage of the site. Conditions regarding surfacing, car parking and a turning area are also recommended.

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

4. REPRESENTATIONS : None.

## 5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies within the Rural Diversification Area and is affected by strategic development and residential policies.

5.2 Strategic Development Policy SD4 states:-

*Within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council where the development:*

*(i) comprises an acceptable form of residential use as detailed in Policy RES14 of the Local Plan; or*

*(ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need; or*

*(iii) can be fully justified in terms of social and economic benefit to the community.*

***There is no specific locational need for the proposed house. Furthermore, the proposed development cannot be justified in terms of social and economic benefit to the community. The proposal is therefore contrary to the provisions of this policy.***

5.3 Policy RES13 states that the Council will be supportive of residential development in the countryside where it can be demonstrated that the houses are required on a permanent basis:-

*(i) for an 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.*

*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 provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy.***

5.4 Policy RES14 states that:-

*The Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:*

(i) *the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or*

(ii) *the proposed development would constitute a limited addition to an existing, clearly defined group of houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be 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 16.*

(iii) *the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy.*

***There is no specific locational need for the proposed house. Furthermore, the proposed development would not constitute an addition to a defined group of houses delineated by a formal settlement boundary, and does not form part of a group of properties with a dual residential and workplace function. The proposal is therefore contrary to the provisions of this policy.***

5.5 The proposal would have been considered acceptable in principal under the New Cumnock Local Plan as the site is located within the settlement boundary of Bank Glen where the residential development of appropriate gap sites or redevelopment sites is encouraged.

***Although the proposed development would be consistent with the Adopted Local Plan, the Council has agreed for decision making purposes that the greatest weight should now be attached to the policies of the East Ayrshire Local Plan Finalised Version.***

## 6. OTHER PLANNING CONSIDERATIONS

6.1 Outline planning permission for a dwellinghouse on this site was previously granted under delegated powers by East Ayrshire Council on 14 March 1997 (Ref No. 97/0068/OL).

***This consent expired prior to the present application being submitted.***

6.2 The Development Services Committee of the Council, at its meeting on 19 December will be considering a series of modifications that is suggested should be made to the Local Plan. Amongst these is a suggested modification to the boundary of Bank Glen which would bring the proposed development site within the settlement boundary. Notwithstanding this, the proposed development has to be determined against the current version of the East Ayrshire Local Plan, and the policies contained therein.

***Given the site history, the location of the site, where there are dwellings to the east, west and south, all of which are situated within the settlement boundary of Bank Glen, and the fact that a recommendation is being made to the Development Services Committee that the settlement boundary of Bank Glen is modified to include the site, it is considered that should the Committee resolve to approve this application, it would not require to be referred to the Development Services Committee as the proposed development would be considered as a minor departure from policy.***

## **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 In terms of the East Ayrshire Local Plan Finalised Version, the proposed development is located in the rural area, where residential development shall only be permitted where this meets a specific locational need. In this case, no site specific locational need has been proven by the applicant. The proposal is not consistent with the policy provisions for new housing in the countryside.

8.2 The site however, until recently was the subject of an outline planning consent for a dwellinghouse (this consent expired on 15<sup>th</sup> March 2000). Although the site itself lies outwith the settlement boundary of Bank Glen, it is considered to be a gap site, as there are dwellinghouses to the west, east and south of the site, all of which are situated within the settlement boundary of Bank Glen. The proposed development would not therefore constitute or add to sporadic or ribboning of development along the public road. Furthermore there are no consultee or other objections to the proposed development of a dwellinghouse on this site.

## **9. RECOMMENDATION**

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

Alan Neish  
Head of Planning and Building Control

22 November 2000  
VE/VE

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. East Ayrshire Local Plan Finalised Version.
5. New Cumnock Local Plan.
6. Planning Application (Ref No. CD/97/0068/FL)

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

**Implementation Officer : Dave Morris**

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Location

Bank Glen  
New Cumnock

Nature of Proposal:

Erection of House and Garage

Name and Address of Applicant:

Mr and Mrs Hart  
40 Afton Bridgend  
New Cumnock

Name and Address of Agent:

D A Design Services  
Thornhouse Business Centre  
20 Ballot Road  
Irvine  
KA12 0HP

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DPO's Ref: [ VE ]  
PPO's Ref: [ ]

The above **FULL** application should be approved subject to the following conditions.

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 21 September 2000 as revised by the elevation, floor plans and block plan received by the Planning Authority on 08 November 2000.

REASON : To ensure that the development is carried out in accordance with the approved details.

2. Notwithstanding the approved plans, samples of the external wall finish materials and roof finish material shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON : In the interests of amenity.

3. The facing brick wall proposed along the frontage of the site is not hereby approved. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON : In the interests of visual amenity.

4. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Division standards.

REASON : In the interest of road safety.

5. Any roadside ditch/drain shall be piped and protected beneath the proposed access point.

REASON : In the interests of road safety.

6. Prior to the occupation of the dwellinghouse the first two metres of the driveway shall be surfaced in order to prevent deleterious materials being deposited onto the public road.

REASON : In the interest of road safety.

7. Notwithstanding the submitted plans, the visibility splay areas of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than one metre in height being allowed within these areas.

REASON : In the interest of road safety.

8. Notwithstanding the submitted details, parking spaces for three cars shall be provided and thereafter maintained, within the site prior to the occupation of the dwellinghouse.

REASON : In the interest of road safety.

9. Prior to the occupation of the dwellinghouse a vehicle turning area shall be formed within the curtilage of the plot, to allow vehicles to enter and leave the plot in forward gear.

REASON : In the interest of road safety.

10. Prior to the occupation of the dwellinghouse, a 2 metre wide kerbed footway, to East Ayrshire Roads Division specification, shall be constructed along the frontage of the site.

REASON : In the interest of road safety.

#### NOTES TO APPLICANT

1. The applicant shall make early contact with East Ayrshire Roads Division regarding the need for a Road Opening Permit.

2. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick to discuss the servicing of the site.

**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.**

**AGENDA**

