

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 16 JUNE 2000 99/0886/FL : ERECTION OF HOUSE AND DETACHED GARAGE MOSSWELL, NEW CUMNOCK APPLICATION BY MR R WALLACE

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 in the circumstances of the case it can be considered a minor departure from the Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 2098 square metres in area. It is presently agricultural land and rises from east to west. It is located off The Castle in New Cumnock, and it is surrounded to the north by Glen Afton Football Clubhouse and ground, to the south by housing, to the east by land extending to the A76 and open space and to the west by agricultural land.

2.2 **Proposed Development:** Full planning consent is sought for the erection of one house and detached garage. The proposed house has a gable roof with render finish and a dry dash render finish and buff stone base. The proposed windows are linear in proportion with cement bands. The house is sited on the plot with the rear elevation of the house facing east and the detached garage located to the rear of the plot.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have recommended refusal as Council policy only allows 2 individual dwellings to be served via a private road. This proposal would result in 3 properties served via the private access. The applicant could consider upgrading the road to an adoptable standard which would entail reconstruction of the road, provision of footways, street lighting, drainage and they would require to take cognisance of the football park access in any design provided.

There is an existing planning approval for a house on the site and this application is essentially a change in the housetype.

3.2 West of Scotland Water have that their permission should be sought to connect to the public sewerage system. The nearest public water main is in the A76 carriageway and contact should be made to discuss how a supply of water may be obtained.

Noted.

3.3 Scottish Environment Protection Agency have no objections provided West of Scotland Water are satisfied that the sewerage system is not adversely affected by the discharge.

Noted.

3.4 East Ayrshire Council Department of Community Services Environmental Health and Waste Management, Scottish Power, British Gas Transco and The Coal Authority have no objections to the proposed development.

Noted.

3.5 New Cumnock Community Council have no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan Finalised Version. The application site lies just outwith the settlement boundary of New Cumnock and within a Rural Diversification Area. The site is affected by strategic development and residential policies.

5.2 Strategic Development Policy SD4 states that within the Rural Diversification Area, development proposals related 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.

The proposed development cannot be justified under this policy. See Paragraph 5.3 below.

5.3 Policy RES14 states that the Council will be supportive of small scale residential development within the identified Rural Diversification Area where

- (i) the houses are required on a permanent basis for categories of development detailed in Policy RES 13.

The proposed development is contrary to this policy. No justification has been submitted that the proposed house is for an agricultural or forestry worker or a worker employed by a rural enterprise or a tourism related activity or is necessary for on-site staff accommodation.

- (ii) the proposed development would constitute a limited addition to an existing clearly defined group of houses not delineated by a formal settlement boundary.

The proposed development cannot be accommodated within this policy as the site is adjacent to the settlement boundary of New Cumnock.

- (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.

The proposed development cannot be accommodated within this criterion as the proposed house does not have a dual residential and workplace function. The proposed development is essentially contrary to this policy, however planning consent was granted on 16 October 1995 for the renewal of planning permission for a single storey dwellinghouse on the site. This consent is still 'live' and therefore this present application is essentially a change in house type and the site has increased in area.

5.4 In terms of the New Cumnock Local Plan, the site is within the settlement boundary of New Cumnock and is protected by Policy ENV4(b) for Open Space and Policy ENV4(b) states that there will be general presumption against any

development on undeveloped land within the settlement boundaries which contributes to the rural setting or nature of the settlements.

The proposed development is contrary to this policy, however this plan is considerably out of date and has been superseded for the purposes of decision making by the East Ayrshire Local Plan (Finalised Version).

6. OTHER PLANNING CONSIDERATIONS

6.1 CD/88/182 : Outline planning consent was granted on 27 October 1988 by the former Cumnock and Doon Valley District Council for the erection of a dwellinghouse on this site.

Noted.

6.2 CD/90/209 : A subsequent detailed application was approved by the former Cumnock and Doon Valley District Council on 30 August 1990.

Noted.

6.3 CD/95/0186/DPP : This application involved a renewal of detailed planning permission for a proposed dwellinghouse at the above site. The application was approved by the former Cumnock and Doon Valley District Council on 16 October 1995.

The detailed planning consent for this site has not yet expired. The present application essentially amends the house type and increases the site area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial and legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 The proposed development is contrary to the policies of East Ayrshire Local Plan Finalised Version and New Cumnock Local Plan. However detailed planning consent was granted on 16 October 1995 for a house on this site. This consent has not expired and as a result this present application is essentially an amendment to the house type on the site. The design of the proposed house is compatible with the surrounding houses and area.

8.2 The Roads Division have recommended refusal of this application as the proposed development is contrary to Council policy which allows 2 individual dwellings to be served via a private road. They require the access road to be brought up to an adoptable standard which entails reconstruction of the road, provision of footways, street lighting. However, as there is an existing planning approval for a house on the site and this application is essentially a change in the house type, it would be unreasonable to recommend refusal of this application.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
PC/SMB
09 June 2000
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation replies.
4. East Ayrshire Local Plan Finalised Version.
5. New Cumnock Local Plan.
6. Planning Consent : CD/88/182
CD/90/209
CD/95/0186/DPP

Implementation Officer : Pamela Clifford

AGENDA