

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002

**02/0232/OL: PROPOSED ERECTION OF PRIVATE DWELLINGHOUSE
WITH INTEGRAL GARAGE AT FORMER SKARES STATION AND YARD,
SKARES**

APPLICATION BY MR & MRS STEPHEN KERR

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of one dwellinghouse with integral garage within the site. No details of the dwellinghouse have been provided at this outline stage. An indicative layout indicating the siting of the dwellinghouse within the southwest corner of the site has been submitted. Access would be taken from the north west corner of the site.

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 is indicated at paragraph 5.2 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.5 are considered enough for an exception to be made in this instance.

3.2 In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. However, given that there is a valid full application for the erection of two houses within this site, it is considered that an exception to policy can be made. Furthermore, the development of the untidy site would result in an improvement in the general amenity of the area.

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 would not require to be referred to the Development Services Committee because this would not be a 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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APPLICATION BY MR & MRS STEPHEN KERR

Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose 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 and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the east side of the minor road leading from the B7046 and linking with A70 Cumnock – Ochiltree Road, approximately one mile north of Skares. The site comprises the former Skares Station site that was previously used as a scrap yard. The site extends to 1.6 hectares and comprises a long narrow area of land. The remains of two dwellinghouses for which building works commenced but were never completed exist within the site. There is also evidence of dumping within the site. The site is bound by agricultural land to the north, south and east of the site. To the west lies the B7046 road and a tree belt.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of one dwellinghouse with integral garage within the site. No details of the dwellinghouse have been provided at this outline stage. An indicative layout indicating the siting of the dwellinghouse within the southwest corner of the site has been submitted. Access would be taken from the north west corner of the site.

3. CONSULTATION AND ISSUES RAISED

3.1 Ochiltree Community Council has no objections to the proposed development.

Noted.

3.2 The Coal Authority and Scottish Power have no adverse comments to make on the proposed development.

Noted.

3.3 Scottish Water advises that there is an existing public water main located in the street adjacent to the site that may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to ordnance datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out. 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. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

A note can be attached to any planning consent granted for the development advising the applicant of the comments of Scottish Water.

3.4 The Scottish Environment Protection Agency has not responded to the consultation letter at the time of writing the report.

Noted.

3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to conditions. Visibility splays of 2.5 metres by 70 metres northwards, and 2.5 metres by 90 metres southwards will be required at the new junction with the public road, with no object greater than 1 metre in height being allowed within these areas. Any roadside ditch must be piped and protected beneath the proposed access and existing drainage grips/offlets off the C97 retained. Access to the site must be taken via a standard dropped kerb driveway access crossing to East Ayrshire Roads standards. The applicant will also require to form a 2.5 metre wide kerbed service lay-by and 2 metre wide pedestrian refuge/verge along the frontage of the site which will require drainage to be installed. Conditions regarding surfacing, car parking and surface water are also recommended.

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

3.6 East Ayrshire Council's Environmental Health and Waste Management Division indicates that there is a lack of information on this site with regard to potential contamination issues. There is no record of how long the site was operated as a scrap yard and the type of scrap that was stored there. The site/soil investigations carried out in 1993 and 1994 only deal with ground stability and heavy metal contamination respectively. They do not take into consideration other potential contaminants which may be present in the ground from the site's previous uses (both railway and scrap yard) such as

organic, inorganic and other contaminants. The Division would therefore recommend that the site be assessed with regard to these potentially harmful substances as a condition of planning consent.

A condition could be attached to any grant of outline planning consent requiring the submission of a ground survey report which could address the issue of ground conditions relative to the material which has previously been deposited on the application site.

4. REPRESENTATIONS

4.1 No letters of representation have been received with regard to the proposed development.

5. DEVELOPMENT PLAN STATUS

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 and the Adopted Cumnock and Auchinleck Local Plan, (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy RES17 which states that the Council will make a presumption in favour of single, small scale, especially high amenity residential development in the countryside except:

6.1 Where in the opinion of the Council, the development would be unduly visually prominent or adversely affect the amenity of remote areas, wild areas or particularly picturesque locations.

The proposed dwellinghouse would be located within a brownfield site that is currently in an untidy state. The site is not prominent and the dwellinghouse could be sensitively accommodated within this rural location. The proposal would therefore be in accordance with the provisions of the above policy.

5.3 Policy RES18 of the Adopted Local Plan indicates that where new single or small scale residential development in the countryside is proposed, the Council will favourably consider developments which would:

(a) involve the redevelopment or areas of derelict or despoiled land.

The site was previously used as a scrap yard and is currently in an untidy condition. The development of the site for a single dwellinghouse would be in accordance with the above policy.

7. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

7.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) (2001), the planning history of the site and consultation responses.

East Ayrshire Local Plan

7.2 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. The site lies within the Rural Protection Area, as defined by the EALP, and is affected by Strategic and Residential Policies.

7.3 Policy SD3 of the EALP 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 RES13 of the Local Plan;
- (ii) can be fully justified in terms of site specific locational need;
- (iii) can be fully justified in terms of social and economic benefit to the community;
- (iv) provides for the operational needs of agriculture or forestry.

The development does not contribute to rural diversification and the applicant has not provided any site specific locational justification for the development. The proposal is therefore contrary to the provisions of this policy. It should be noted however that there is a valid full planning consent for the erection of two detached dwellinghouses on the site. (See paragraph 6.4)

7.4 Policy RES13 states that 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 be supportive of residential development in the countryside where it can be demonstrated that the house is 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 one-site staff accommodation;
- (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. It should be noted however that there is a valid full consent for the erection of two dwellinghouses on the site.

Planning History

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

- (i) CD/91/235 – Outline planning permission for the erection of four dwellinghouses was approved at Skares Station on 25 September 1991.
- (ii) CD/94/0143/DPP – Detailed planning permission for the erection of two detached dwellinghouses with garages at Plots 1 and 2 at the former station yard, Skares was refused on 13 December 1991. 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 – Detailed planning permission for the erection of two detached dwellinghouses with garages at Plots 1 & 2 at the former station yard, Skares was approved on 7 June 1995. The scheme approved under this application was commenced and then abandoned. These two partly built dwellings are still located within the site.

Given that works commenced under the 1995 application, this is still a valid planning consent and the principle of development within this site has already been established.

Consultations Responses

8. No consultation responses have been received that would indicate that refusal of the application would be appropriate.

9. 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 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.5 are considered enough for an exception to be made in this instance.

8.2 In this case, no specific locational need has been proven by the applicant. The proposal is not therefore consistent with the policy provisions for new housing in the countryside in terms of the EALP. However, given that there is a valid full application for the erection of two houses within this site, it is considered that an exception to policy can be made. Furthermore, the development of the untidy site would result in an improvement in the general amenity of the area.

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 would not require to be referred to the Development Services Committee because this would not be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control
22 May 2002
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted Cumnock and Auchinleck Local Plan (1992).
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
7. Approved Strathclyde Structure Plan (1984)
8. Planning Ref. CD/91/235 & CD/94/0143/DPP and CD/95/0020/DPP

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0232/OL

Location	Former Skares Station and Yard
Nature of Proposal:	Proposed erection of private dwellinghouse with integral garage
Name and Address of Applicant:	Mr & Mrs Stephen Kerr Mansefield Court New Cumnock KA18 2RF
Name and Address of Agent:	Mr Jim Mochrie 16 Fitzroy Place GLASGOW G3 7RW

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

The above [FULL] application should be approved subject to the following conditions:

1. 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.

2. The details to be submitted under Condition 1(d) and (f) shall allow for the following road alterations:-

- (a) The formation of a 2.5 metre wide kerbed, service lay-by and 2 metre wide pedestrian refuge/verge along the frontage of the site.
- (b) Visibility sightline splay areas of 2.5 metres by 70 metres northwards and 2.5 metres by 90 metres southwards to be formed and maintained at the access onto the public road with no obstruction greater than 1 metre allowed within these areas.
- (c) Access to the site to be taken via a standard, dropped kerb driveway access crossing to East Ayrshire Council Roads Standards.
- (d) A minimum of three off-road parking spaces to be provided within the curtilage of the dwellinghouse.
- (e) The first five metres of the driveway to be surfaced.
- (f) A turning area to be provided within the curtilage of the dwellinghouse.
- (g) Any roadside ditch to be piped and protected beneath the proposed access.

REASON: In the interests of road safety.

3. The details to be submitted under Condition 1(b) shall allow for a dwellinghouse of single or one and half storey construction.

REASON: In the interests of visual amenity.

4. The details to be submitted under Condition 1(b) shall allow for the design of the dwelling to pay due regard to the Council's approved design guidance for residential development in the countryside. In particular, the house shall be of traditional design with rendered external walls, traditionally proportioned windows and roof finished in slate or slate sized tiles

REASON: In the interests of visual amenity.

5. The developer shall, in addition to the details required under Condition 1 above, submit a ground condition report for the development site. This report shall specifically provide the following details:

- i) an investigation of the site relative to the potential for contamination through the previous use of the site as a scrap yard. Should site contamination be found, the report shall also include measures for remedial action.

REASON: In the interests of public safety.

NOTES TO APPLICANT

1. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick to discuss the servicing of the site. Details of the highest water fitting relative to ordnance datum will require to be submitted.

2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes

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AGENDA