

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 JUNE 2003

**02/0984/FL PROPOSED ERECTION OF NEW DWELLINGHOUSE AT
KNOCKSHIFFNOCK FARM, OCHILTREE BY MR A. PATERSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for a single storey bungalow offering three bedrooms and finished in slate grey roof tiles and white dry dash render. The house would have a buff facing brick base course and there would be a double garage of matching materials.

1.2 The house would share the existing vehicular access utilised by the adjacent dwelling that leads onto the U761.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated 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. Chief amongst these is the history of planning consents on the site.

3.2 Although the application is not fully consistent with the previous Outline consent and has been submitted as a Full application, the extent of the difference from the OPP and the minimal additional impact on the character of the woodland roundel merit approval of the application as an exception to the terms of the East Ayrshire Local Plan. The design of the house is acceptable and infrastructure considerations can be met through the application of conditions. The consultation process has not generated any objections to the application.

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 it would not be a significant departure from the development plan.

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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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 application is a minor departure from the East Ayrshire Local Plan and is recommended for approval.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approximately 2.3 kilometres south of Ochiltree adjacent to an existing new house positioned within a roundel of semi-natural trees. The application site extends to some 0.48 hectares, about half of which is comprised in the wooded area. The immediate residential curtilage of the dwelling would lie within the roundel.

2.2 **Proposed Development:** Full planning permission is sought for a single storey bungalow offering three bedrooms and finished in slate grey roof tiles and white dry dash render. The house would have a buff facing brick base course and there would be a double garage of matching materials.

2.3 The house would share the existing vehicular access utilised by the adjacent dwelling that leads onto the U761.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads & Transportation Division has confirmed that it has no objection to the proposal subject to the application of conditions including conditions relating to the access, sightlines and a kerbed refuge footpath; (as applied to a previous Outline consent, see below)

Noted. Conditions can be applied to address these matters.

3.2 Scottish Water has previously in respect of an Outline Planning consent and a subsequent Reserved Matters consent indicated that it had no objection to the development of two houses at this site; any septic tank to be located so as to allow for ease of access by the tanker.

Noted. A condition can be attached to any consent to address the location of the septic tank.

3.3 The Scottish Environment Protection Agency has indicated that it has no objections to this proposal but comments that any septic tank and soakaway should be designed to meet the current code of practice BS6297: 1983. The suitability of the soil for disposal of sewage effluent needs to be demonstrated before issue of any consent.

Noted. The site has been the subject of Outline Planning consent for the erection of two houses, one has been built. Set against this planning history, it would be appropriate to determine this application favourably but with a condition attached precluding development of this house until such time as it has been demonstrated that there can be provided an effective means of sewage disposal.

3.4 Ochiltree Community Council had not responded at the time of writing this report.

Noted

3.5 Scottish Natural Heritage has no objections but indicates that the roundel of trees is classified as semi-natural in the Scottish Semi-Natural Woodland Inventory and is worthy of retention where possible. The original consent enabled the construction of two houses and this proposal should remove the minimum number of additional trees. SNH would encourage the imposition of the existing conditions.

Noted. The original Outline consent limited development to within a defined area consistent with achieving minimum impact on the woodland. Conditions also sought a woodland management scheme, prevented works or damage to trees beyond those agreed without the further consent of the Planning Authority and required replacement of any trees to be felled. This application indicates that, as compared to the terms of the Outline consent, three additional trees out of the very many on site would be removed. This is not considered to be an unacceptable additional impact. It would be appropriate to recommend favourably on the application subject to the imposition, again, of conditions recognising the amenity value of the wooded area.

3.6 East Ayrshire Council Community Services; Outdoor Services has indicated that the loss of three additional trees by comparison with the terms of the original Outline consent, would have no real detrimental impact on the visual amenity of the area given that the trees are mainly Silver Birch created by natural regeneration. It is assumed that this process will continue.

Noted. It is considered that this application will have minimal impact on the amenity of the area or on the character of the existing woodland.

4. REPRESENTATIONS

4.1 There are no representations.

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 states that in relation to the Rural Protection Area, development proposals outwith settlements shall conform to the structure plan only where the development can be demonstrated to meet one of the criteria as set out in the terms of the policy.

The proposed development does not meet with the terms of this Policy. However, one of two houses the principle of which was agreed in June 1998, has been built further to a subsequent Reserved Matters consent and it would be appropriate to consider this second house favourably as an exception to policy G5.

East Ayrshire Local Plan

5.3 Policy SD3 requires that any residential development proposed outwith the settlement boundaries will only be acceptable where it conforms to Policy RES13 of the plan.

The proposed development has not been the subject of a specific justification under the terms of Policy RES13 and therefore it does not comply with Policy SD3. However, as indicated above, there is a planning history that would be supportive of a favourable recommendation.

5.4 Policy RES13 states that the Council will be supportive of residential development in the Rural Protection Area where it can be demonstrated that the house is required on a permanent basis for one of the exclusions as set out in the terms of the policy.

No statement of need has been submitted in support of this application. The application is in strict terms contrary to Policy RES13. However there is a planning history that would be supportive of a favourable recommendation.

5.5 Policy ENV7 requires that developers comply fully with the Council's Design Guidance.

As a new house in the countryside the proposed development should comply with Design Guidance 3 on New Residential Development in the Countryside. It is considered that the proposal is compatible with the adjacent dwelling and does comply with the design guidance and therefore it is consistent with policy ENV7.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the design of the proposed house and the planning history of the site.

Consultation Responses

6.2 None of the consultation responses raise any issues that would suggest refusal of the application is appropriate. Subject to the application of suitable conditions, the proposal will have minimal additional impact.

Design of the House

6.3 The design of the house is consistent with the requirements of the Council's design guidance. The elevational materials have been amended to match those of the adjacent house and are appropriate for this rural location.

Planning History

6.3 Outline Planning consent 98/0073/OL was granted in June 1998 for the erection of two country style bungalows. A condition required that the houses be confined within an identified area in the interests of the amenity of the woodland. Reserved Matters consent 99/0827/RM approved one of the houses within the identified area.

6.5 The current full application is required because the second house extends some 8 metres outwith the area previously identified in the Outline consent and further into the wooded area.

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. Chief amongst these is the history of planning consents on the site.

8.2 Although the application is not fully consistent with the previous Outline consent and has been submitted as a Full application, the extent of the difference from the OPP and the minimal additional impact on the character of the woodland roundel merit approval of the application as an exception to the terms of the East Ayrshire Local Plan. The design of the house is acceptable and infrastructure considerations can be met through the application of conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

05 June 2003
DVM/
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous applications 98/0073/OL and 99/0827/RM
7. East Ayrshire Council Design Guidance

Anyone wishing to inspect the above background papers should contact Dave Morris on 01563 576753.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0984/FL

Location	Knockshiffnock Farm, Ochiltree
Nature of Proposal:	Proposed Erection of New Dwellinghouse
Name and Address of Applicant:	Mr A. Paterson, East Heads Farm, Newmilns, KA16 9LG
Name and Address of Agent	Thomson McCrea, 9 Old Bridge Street, Ayr, KA7 1QA

DPO's Ref: David Morris
PPO's Ref: Hugh Melvin

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 received on 12.11.02 and 17.12.02, the amended "Tree Position", "Existing & Proposed Levels" and the "Plans, Elevations and Section as Proposed" plans received on 07.04.03 together with the letter from Thomson McCrae dated 02.04.03.

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

2. Prior to the occupation of the house, the existing U761 shall be widened to 5.5 metres and a drop kerb shall be installed for 15 metres either side of the access point; details of the road widening to be submitted to and approved by the Planning Authority.

REASON: In the interests of road safety.

3. Access to the site shall be taken from a standard driveway access crossing to East Ayrshire Council Roads and Transportation Division's standards.

REASON: In the interests of road safety.

4. Prior to the occupation of the house, the junction with the U761 shall have been bituminously surfaced for a distance of 10 metres from the edge of the road to avoid the overcarry of loose material onto the public road.

REASON: In the interests of road safety.

5. A 1.5 metre wide pedestrian refuge/verge shall be formed along the full frontage of the site.

REASON: In the interests of road safety.

6. Prior to the occupation of the house, there shall have been formed visibility sightline splay areas of 2 metres by 90 metres which shall have within them no obstruction greater than 1 metre in height and which shall be maintained at all times thereafter.

REASON: In the interests of road safety.

7. No surface water shall be allowed to discharge onto the public road.

REASON: In the interests of road safety.

8. Any roadside ditch and existing public utility apparatus shall be piped and protected beneath the access.

REASON: In the interests of road safety.

9. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON: In the interests of public safety.

10. The development hereby approved shall not be commenced until such time as the Planning Authority has had sight of the Scottish Environment Protection Agency's written confirmation that the dwelling can be served by an effective means of sewage disposal.

REASON: To ensure that site can be adequately serviced without detriment to the surrounding habitat.

11. No site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees being retained on the site. The fencing shall enclose the area described by the spread of the branches of the tree.

REASON: To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

12. The only trees to be felled on site shall be those as indicated for removal on drawing no. A02/645/5 Rev A.

REASON: To retain the amenity value of the woodland.

13. Any trees to be felled shall be replaced by trees of a similar species. Details of the tree species and size shall be submitted to and approved by the Planning Authority and shall be planted no later than the next appropriate planting season after the development has been carried out.

REASON: To retain the amenity value of the woodland.

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VIEWING PLEASE CONTACT (01563) 555320.**